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1916

U.S. NAVAL WAR COLLEGE

INTERNATIONAL LAW TOPICS



NEUTRALITY PROCLAMATIONS
AND REGULATIONS

WITH NOTES

1916



WASHINGTON
1917



PREFACE.

The discussions upon international law during the year 1916 were conducted by George Grafton Wilson, LL. D., professor of international law in Harvard University. Matters relating to the war which has been going on since July, 1914, were under consideration. Final opinions can not be offered at the present time, and for this reason the War College contents itself in the main with statements of facts concerning which there is no dispute, and with copies of official documents. It is hoped that the present volume will be of considerable value in the future, as a work of reference, not only for officers of the Navy, but for others who may be engaged in the study of international law as affected by the history of the unprecedented crisis through which the world is now passing.

The documents particularly referred to in the discussions are printed with brief notes. Some of these documents are accessible in the publications of the Government of the United States. Others are not easily accessible.

Many of the documents in this volume are translated from foreign languages. In such cases the language of issue of the documents is in most cases the only official text. Modifications in regulations will doubtless be made from time to time as conditions change, but those printed in this volume will serve as convenient bases for comparison and subsequent discussion. For convenience of reference the neutrality proclamations of the United States, printed in the volume of 1915, are reprinted in this volume, and the index is made unusually complete.

As in previous years the Naval War College desires to receive such questions as officers deem worthy of consideration, and for such questions the documents herewith published may furnish many suggestions.

AUSTIN M. KNIGHT,
Rear Admiral, United States Navy,
President Naval War College.

DECEMBER 15, 1916.

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NEUTRALITY PROCLAMATIONS AND REGULATIONS.

ARGENTINE REPUBLIC.

Declaration of neutrality in the European war, August 5, 1914.

[Boletín del Ministro de Relaciones Exteriores y Culto, vol. 43, p. 3.]

BUENOS AYRES, August 5, 1914.

In view of the communications received by the executive power from the imperial and royal legation of Austria-Hungary on July 28, making known the rupture of relations between that country and Serbia; from the diplomatic representatives of Russia and Germany under dates of August 2 and 3, respectively, making known the state of war existing between the two countries; from the German legation on August 4, declaring that the Empire finds itself in a state of war with France; from the legation of His Britannic Majesty on the present date declaring that the United Kingdom finds itself at war with the German Empire; from the legation of Belgium of the present date giving notice that the German troops have penetrated into its territory and that its Government has decided to resist by force, and considering:

That the state of war existing between nations friendly to the Argentine Republic imposes the necessity of determining the criterion and the rules of conduct which it is proper to adopt to maintain the neutrality of the Republic during the conflict,

That the principles of international law consecrated by the opinion of authors and by the practice of nations have been condensed in the clauses of the convention signed at The Hague October 18, 1907,

That although this convention, signed by the Argentine plenipotentiaries, has not yet been approved by the congress, this circumstance does not diminish the value which it possesses as a body of doctrine for determining the duties and the rights of neutral nations in case of war,

That it is indispensable in order to conform to the sentiments of the Argentine Government, to assure the greatest uniformity of treatment toward all the belligerent nations,

The Vice President of the Argentine nation decrees:

ARTICLE 1. While the state of war between the nations above mentioned or between any of them shall continue, the Government of the Argentine Republic will maintain the strictest neutrality.

ART. 2. To render this provision effective there will be followed in all cases, the rules of law and the manner of procedure set forth in the convention relative to the rights and duties of neutral powers signed at The Hague October 18, 1907.¹

ART. 3. The ministers, each in that which concerns him, will adopt the measures and will give the instructions, necessary for the execution of the present decree.

ART. 4. This decree will be communicated, published, and inscribed in the national register.

PLAZA JOSÉ LOUIS MURATURE.

BRAZIL.

General Rules of Neutrality, August 4, 1914.

ART. 1st. National and foreign residents in the United States of Brazil must abstain from any participation in aid of the belligerents or any act that may be deemed hostile to one of the nations at war.

ART. 2nd. The belligerents are not allowed to promote in Brazil the enlistment of their nationals, or of Brazilian citizens, or of subjects of other nations, for service in their forces on land or sea.

ART. 3rd. The Government of Brazil does not consent that privateers be armed and equipped in the ports of the Republic.

ART. 4th. The exportation of arms and ammunitions of war from Brazil to any port of the belligerent nations, under the Brazilian flag, or that of any other nation, is absolutely forbidden.

ART. 5th. The States of the Union and their agents are not permitted to export or to participate in exporting any kind of war material for any of the belligerents, severally or collectively.

ART. 6th. A belligerent is not permitted to have a naval base of operations against the enemy at any point in the littoral of Brazil, or its territorial waters, nor to have in said waters wireless telegraph stations to communicate with belligerent forces in the theatre of the war.

ART. 7th. In case the military operations or the sea-ports of any of the belligerents are situated at less than twelve days from the United States of Brazil, reckoning travel at twenty-three miles an hour, no warship of the other belligerent or belligerents will be allowed to stay in Brazilian ports, harbors or roadsteads longer than twenty-four hours, except in case of ships putting in on account of urgent need.

The case of urgent need justifies the staying of the warship or privateer at the port longer than twenty-four hours:

1. If the repairs needed to render the ship seaworthy cannot be made within that time;

¹ Navy Department, 1911, Hague and Geneva Conventions, p. 118; Naval War College, International Law Situations, 8:213.

2. In case of serious danger on account of stress of weather ;
3. When threatened by some enemy craft cruising off the port of refuge.

These three circumstances will be taken into consideration by the Government in granting a delay for the refugee ship.

ART. 8th. If the distance from the Brazilian port, harbor or roadstead of refuge to the next point of the littoral of the enemy is greater than twelve days' sail, the duration of the stay of the refugee ship or ships of war in the Brazilian waters will be left to the determination of the Government, acting according to circumstances.

ART. 9th. Regardless of the distance between the Brazilian ports and the principal field of military operations or between the Brazilian ports and those of one of the belligerent countries, privateers will not be allowed to stay in ports, harbors or territorial waters of Brazil longer than twenty-four hours, except in the three cases mentioned in Art. 7th.

ART. 10th. The rules established by Articles Nos. 7 and 8 for the limitation of the stay of ships in the ports, harbors and territorial waters of Brazil do not apply to ships of war occupied in scientific, religious or philanthropic missions, nor to hospital ships.

ART. 11th. Any act of war, including capture and the exercise of the right of visit, by a belligerent warship in territorial waters of Brazil constitutes a violation of the neutrality and offends the sovereignty of the Republic.

Besides due reparation, the Government of the Republic will demand the release by the belligerent government or governments of the vessels captured, with their officers and crew, if such captured vessels are already beyond the jurisdictional water of Brazil and immediate repression of the abuse committed.

ART. 12th. Once war is declared, the Federal Government will prevent, by all means, the fitting out, equipping and arming of any vessel that may be suspected of intending to go privateering or otherwise engaging in hostilities against one of the belligerents. The Government will be equally careful in preventing the sailing from the Brazilian territory of any vessel there adapted to be used as a warship in hostile operations.

ART. 13th. The belligerent warships are allowed to repair their damages in the ports and harbors of Brazil only to the extent of rendering them seaworthy, without in any wise augmenting their military power.

The Brazilian naval authorities will ascertain the nature and extent of the proper repairs, which shall be made as promptly as possible.

ART. 14th. The aforesaid ships may take supplies in Brazilian ports and harbors:

1. To make up their usual stock of food supplies as in time of peace;

2. To take fuel enough to reach their next home port or complete the filling of their coal-bunkers proper.

ART. 15th. The belligerent warships that take fuel in a Brazilian port will not be allowed to renew their supplies in the same or other Brazilian port before three months have elapsed since their next-previous supply.

ART. 16th. Belligerent ships are not allowed to increase their armament, military equipment, or crews in the ports, harbors, or territorial waters of Brazil. They may claim the services of the national pilots.

ART. 17th. The neutrality of Brazil is not affected by the mere passage through its territorial waters of belligerent warships and their prizes.

ART. 18th. If warships of two belligerents happen to be together in a Brazilian port or harbor, an interval of twenty-four hours shall elapse between the sailing of one of them and the sailing of her enemy, if both are steamers. If the first to sail is a sailing vessel and the next being an enemy is a steamer, three days' advance will be given to the first belligerent ship. Their time of sailing will be counted from their respective arrivals, exceptions being made for the cases in which a prolongation of stay may be granted. A belligerent ship of war cannot leave a Brazilian port before the departure of a merchant ship under an enemy flag, but must respect the aforesaid provisions concerning the intervals of departure between steamers and sailing vessels.

ART. 19th. If a belligerent warship having received due notice from the competent local authority does not leave the Brazilian port where her stay would be unlawful, the Federal Government will take the necessary measures to prevent her sailing during the war.

(a) The officer in command of a ship of war flying the flag of a nation having ratified the 13th convention of The Hague, October 17, 1907, or having adhered to it afterwards, is under obligation to facilitate the execution of those measures.

(b) If a commandant of a belligerent ship refuses to comply with the notice received, for some reason nonapplicable, or for lack of adhesion to that and other clauses of said convention of The Hague, the Federal Government will command the naval and military authorities of the Republic to use force to prevent the violation of Brazilian neutrality.

(c) A belligerent ship being detained in Brazil, her officers and crew shall be detained with her.

(d) The officers and men thus detained may have their quarters in another ship or in some place ashore, to be under the restrictive measures that are advisable, keeping aboard the warship the men necessary to her upkeep. The officers may have their freedom, under written pledge, on their word of honor, not to leave the place assigned to them in Brazilian territory without authorization from the minister of the navy.

ART. 20th. The captures made by a belligerent may only be brought to a Brazilian port in case of unseaworthiness, stress of weather, lack of fuel or food provisions, and also under the conditions provided hereinbelow in Article 21st.

The prize must depart as soon as the cause or causes of her arrival cease. Failing that departure, the Brazilian authority will notify the commander of the prize to leave at once, and, if not obeyed, will take the necessary measures to have the prize released with her officers and crew, and to intern the prize crew placed on board by the captor.

Any prize entering a Brazilian port or harbor, except under the aforesaid four conditions, will be likewise released.

ART. 21st. Prizes may be admitted that are brought, under convoy or not, to a Brazilian port, to be placed under custody pending the decision of the competent prize court. The prize may be sent by the local authority to some other Brazilian port. If she is convoyed by a warship, the officers and prize crew put aboard by the captor may return to the warship. If she sails alone, the prize crew put aboard by the captor is left at liberty.

ART. 22nd. Belligerent warships that are chased by the enemy, and, avoiding attack, seek refuge in a Brazilian port, will be detained there and disarmed. But they will be allowed to go if their officers in command take the pledge of not engaging themselves in war operations.

ART. 23rd. No prize will be sold in Brazil before the validity of her capture is recognized by the competent court in the country of the captor. Nor is the captor allowed to dispose in Brazil of the goods in his possession as a result of the capture.

ART. 24th. From the officers in command of naval forces or warships calling at Brazilian ports for repairs or supplies, a written declaration will be required that they will not capture merchant ships under their adversary's flag, even outside territorial waters of Brazil, if met between 30 degrees Long. W. Greenwich, the parallel of 4 degrees, 30 minutes N. and that of 30 degrees S., when these merchant ships have taken cargo in Brazilian ports or are bringing cargo to the same.

ART. 25th. Belligerents can not receive in Brazilian ports goods sent directly to them in ships of any nation, since this would mean that the warships did not put in in a case of urgent need, but intended to cruise in these waters. To tolerate such an abuse would amount to allowing Brazilian ports to be used as a base of military operations.

ART. 26th. Belligerent warships admitted into the ports and harbors of Brazil shall remain in the places to them assigned by the local authorities, perfectly quiet and in peace with the other ships, even with the warships of other belligerents.

ART. 27th. The Brazilian military, naval, fiscal and police authorities will exercise the greatest care to prevent the violation of the aforesaid measures in the territorial waters of the Republic.

Department of State for Foreign Relations, Rio de Janeiro,
August 4th, 1914.

FREDERICO ALFONSO DE CARVALHO.

Decree No. 11,141 of September 9th, 1914, completing the rules of neutrality approved by decree No. 11,037 of August 4th, abrogates the last part of the 22nd article of the same decree.

The President of the Republic of the United States of Brazil
Resolves to incorporate into the Decree No. 11,037 of the 4th
of August ultimo the following rules:

ART. 1st. No merchant ship will be allowed to sail from a Brazilian port without a previous declaration from the consular agent of her nation, stating the ports of call and destination of said ship, with an assurance that she is employed only on commercial business.

ART. 2nd. In case it will be known, by the length of her voyage or the route of her sailing, that a ship sailing from a Brazilian port went to other ports than those declared in her statement, and she returns to Brazil, she will be detained by the Brazilian naval authorities to be considered as belonging to the fleet of war of her nation and as such submitted to the dispositions of Article 19th of the Decree No. 11,037 of August 4, 1914.

ART. 3rd. Abrogates the last clause of Article 22nd of the rules approved by Decree No. 11,037 of the 4th of August, 1914.

Rio de Janeiro, September 9th, 1914.

HERMES DA FONSECA.

LAUBO MÜLLER.

Circular dispatch sent by the Minister of Foreign Affairs to the Brazilian Embassies and Legations. February 22, 1915.

FEBRUARY 22, 1915.

According to our law, that follows in this the principles of commercial law common to all civilized nations, the commercial associations established and operating in the country and registered in the Brazilian boards of trade are considered as Brazilian irrespective of the nationality of their individual members. Although this may bring as a consequence a difference between the juridic personality of these societies and that of their members, the Brazilian Government will not give its support to the claims made by commercial societies composed of foreign members, against acts of any of the belligerent nations, until and when, having duly examined the facts and carefully considered the circumstances, it will be convinced, not only that the claim is absolutely well founded, but also that it is free from any political objects. It is the aim of the Government of Brazil to see by this decision that a juridic principle, true and useful in time of peace, may not be diverted from its moral purposes of tutelage and organization so as to cover acts not consistent with the neutrality that Brazil has so rigorously maintained.

LAUBO MÜLLER.

CHILE.

Note of the Minister of Foreign Relations to the Minister of Interior on the application of the rules of neutrality established by the Second Conference of The Hague. August 7, 1914.

[Revue Générale de Droit International Public, Doc. 23 : 7.]

SANTIAGO, August 7, 1914.

To the MINISTER OF INTERIOR :

The rules which ought to be observed by the Chilean authorities relative to neutrality in the European war are those established on this subject by the Second Conference of The Hague. The Convention of The Hague ought to be followed, even though they have not been ratified by the Government of Chile, it being understood that they are declaratory of the principles of international law universally recognized.

Note of the Minister of Foreign Relations to the Minister of War and Navy on the application in matters of neutrality of the general principles of international law and especially of the rules of the Naval Declaration of London of February 26, 1909. August 5, 1914.

[Rev. Gén., Doc. 23 : 7.]

SANTIAGO, August 8, 1914.

To the MINISTER OF WAR AND NAVY :

The services under the supervision of the minister of war and navy ought, in the European war, to observe neutrality conformably to the general principles of international law.¹

Rules concerning maritime war which should be observed for the surveillance of vessels found in the territorial waters of Chile. August 14, 1914.

[Rev. Gén., Doc. 23 : 7.]

MINISTRY OF FOREIGN RELATIONS,

Santiago, August 14, 1914.

To the MINISTER OF WAR AND NAVY :

With reference to my confidential note, No. 57, of the 8th instant, in which I request your excellency to be kind enough to instruct the authorities under your cognizance, and especially those of a maritime nature, to proceed to the enforcement of the neutrality declared by Chile in the state of war which exists in

¹ To the note was attached a translation of the provisions ordered Feb. 26, 1909, at the London Naval Conference, the rules of which, according to the preliminary statement, correspond in substance to the principles generally recognized by international law. For text see Naval War College, International Law Topics, 1909.

Germany, France, Belgium, Great Britain, Russia, and to which Austria should now be added, I beg to indicate to your excellency the regulations which, in accordance with the principles of international law and especially those relating to maritime war, should be adopted regarding the surveillance of vessels anchored in national waters, to the end that, upon the order of your excellency, the said authorities should see that they are carried out.

1. All vessels at anchor in Chilean ports or which navigate in the national territorial waters may be obliged to submit to the inspection of their papers by the Chilean authorities, which may, whenever they deem it necessary, according to the rules which are hereafter specified, proceed anew to the inspection of the vessel, of its passengers, of its cargo, and of its documents. In consequence, the clearance of any vessel can not be authorized, whatever its cargo and whatever its destination, until the ship has presented complete manifests.

2. Permission to depart will be given to no merchant vessel which has altered or tried to alter its *status*, if there is reason to believe that the vessel has intended to transform itself into an auxillary cruiser or an armed vessel in any degree whatsoever.

The following acts will be considered as furnishing a presumption of change of *status*:

(a) To alter the location or position of guns which are on board the vessel at the time of its arrival; to change the color, the rigging, or the equipment of the vessel in a manner to create a presumption that this change has an object relating to military operations;

(b) To embark guns, arms, or munitions in the circumstances which indicate adaptation of the vessel to military ends;

(c) To refuse to take on board passengers when the vessel possesses suitable accommodation for them;

(d) To load abnormal quantities of coal.

3. The maritime authorities should demand of foreign consuls who visé the papers of vessels a declaration in reference to the character of the vessel, stating whether it is a question of a merchant vessel engaged in the transport of merchandise and passengers, or whether it forms a part of the armed forces of the nation to which it belongs. In this latter case the vessel will be warned that it must depart after twenty-four hours and with coal only sufficient for the journey to the nearest port of its nation.

4. No belligerent vessel of war can prepare for operations of war in the jurisdictional waters of Chile or proceed to the observation of the vessels of its adversaries in the same waters.

5. No belligerent vessel of war can leave a port of Chile until there has elapsed a period of 24 hours since the departure of an enemy vessel of war from the same port.

6. Every belligerent vessel of war will be required to depart after a period of 24 hours from its arrival, except in stress of

weather, lack of provisions or in case of necessary repairs; in these cases effort will be made to leave the port as soon as possible after the expiration of the 24-hour period, and no permission will be given to take on more supplies than are indispensable for immediate necessities. As to repairs, the following rules will be observed: The vessel can not remain in Chilean waters more than 24 hours after the completion of the said repairs. If an enemy vessel has departed during this 24 hours the other will remain in the national waters until a new interval of 24 hours has elapsed.

7. No belligerent vessel can load, in Chilean waters, anything except provisions and the objects necessary for the subsistence of its crew, nor a quantity of coal greater than that stipulated in rule No. 3.

8. The use of radio telegraphy is forbidden to all merchant vessels during their sojourn in the Chilean waters. To render this prohibition effective it will be convenient to dismantle the apparatus designed for this system of telegraphy.

If possible, some vessels of the national fleet might be stationed in the principal ports of the Republic to assure the observance of these rules of neutrality, that is to say, to prevent the vessels which, according to the said rules should not depart from Chilean waters, from doing so surreptitiously.

In general, the ministry believes that if any of the provisions noted should be difficult to carry out, in whole or in part, by the authorities charged therewith, it would be advisable to do so as far as possible within the means at their disposal, in order that our intentions of neutrality may be made clear.

In case any doubt should arise in the application of the principles of international law, the undersigned will hasten to secure the necessary decision in the matter.

The Government of the United States has issued similar regulations to those contained in this note, regarding the observation of neutrality in maritime war.

God guard your excellency.

EL. VILLEGAS E.

Declaration of the Ministry of Foreign Relations on the subject of the supplying of coal to belligerent vessels of war in Chilean ports. October 14, 1914.

[Rev. Gén., Doc. 23 : 10.]

SANTIAGO, October 14, 1914.

MINISTRY OF FOREIGN RELATIONS :

In reference to the application of article 19 of convention xiii of The Hague of October 18, 1907, on the subject of the supplying of coal to belligerent vessels of war in neutral ports, it is necessary to imply by "*the nearest port of its own country*" of which article 19 makes mention, a port of the mother country and not a colonial port.

Instructions for the office of the director of maritime territory of Chile in reference to radio communication by vessels in the territorial and interior waters of Chile. October 14, 1914.

[Rev. Gén., Doc. 23 : 10.]

SANTIAGO, October 14, 1914.

1. All vessels provided with radio apparatus without distinction of nationality, which navigate in our territorial waters or are at anchor in our ports are forbidden to use the said apparatus.

2. When arriving in a port or roadstead, these vessels ought to dismantle their antennæ, breaking their connection with the gear and apparatus, as soon as they have been received by the maritime authorities, who will personally see to the strict accomplishment of this order, by proceeding immediately to affix their seals and stamps on the doors, windows, skylights, and other ways of access to the place in which this apparatus is located.

3. All national or foreign vessels which remain in a port more than four days will remove their antennæ, which will be kept in the same place as the apparatus of the radio station, observing the same instructions for sealing the ways of access to this place.

4. The maritime authorities will report to the office of the director of maritime territory on the accomplishment of the present instructions, not forgetting that their nonaccomplishment may compromise the neutrality of the country.

Order of the Maritime Governments in reference to radio communication by vessels in the territorial and interior waters of Chile. October 15, 1914.

[Rev. Gén., Doc. 23 : 10.]

PUNTA ARENAS, October 15, 1914.

Upon this date there has been received from the director of the Maritime Territory the following telegram:

"In addition to sealing and stamping the places in which radio apparatus is located, please order the lowering and disconnecting of the antennæ from the halyards and radio apparatus of all steamers with radio installations, upon arriving at Chilean ports. Steamers that remain more than four days in port ought to deliver their antennæ to the maritime authorities until the day of their departure, giving account by telegraph to the office of this director.—SIMPSON."

I transcribe this for your knowledge, requesting you to please order the captains as soon as possible to lower and disconnect the antennæ from the halyards and radio apparatus and immediately to advise this maritime government in order to bring them ashore.

Salutes you attentively,

I. TRIVINO.

(Seal of the Gobernacion Maritima de Magallanes.)

CONSUL OF THE UNITED STATES OF NORTH AMERICA.

Present.

Note from the office of the Director General of the Army to the Ministry of War and Navy proposing measures for preventing the excessive supplying of coal to belligerent merchant vessels in Chilean ports. November 2, 1914.

[Rev. Gén., Doc. 23:10.]

SANTIAGO, November 2, 1914.

1. Every merchant vessel of belligerent flag carrying freight or passengers, or only freight or sailing in ballast, can take on coal, allowing 20 per cent for accidents, necessary to carry it to Callao or to Montevideo, according to the route which it takes (that is to say, according to whether its route is north or south of Chile).

2. If one of the vessels to which the preceding article refers happens to touch at another port of Chile to again take on coal or supplies under pretext that the fuel which it carried has been taken by a vessel of war, it will not be permitted to take an amount of coal greater than that necessary for its service.

3. Vessels of neutral flag, whether or not they carry passengers and freight, can take on coal necessary to take them to their port of destination.

Decree of the Government of Chile as to what should be considered the jurisdictional waters of Chile in reference to neutrality. November 5, 1914.

[Rev. Gén., Doc. 23:11.]

No. 1857.

MINISTRY OF FOREIGN RELATIONS,

Santiago, November 5, 1914.

Considering that, although it is true that the laws of the Republic have determined the limits of the territorial sea and of the national domain, and the distance to which extend the rights of police in all matters concerning the security of the country and the observance of customs laws,¹ they have not fixed the maritime zone in reference to the safeguarding of the rights and the accomplishment of the duties relative to the neutrality declared by the Government in case of international conflicts; and that it is proper for sovereign states to fix this zone:

It is decreed:

The contiguous sea, up to a distance of 3 marine miles counted from the low-water line is considered as the jurisdictional or neutral sea on the coasts of the Republic for the safeguarding of the rights and the accomplishment of the duties relative to the

¹ Art. 593 of the Civil Code used the following terms: "The contiguous sea to the distance of a marine league counted from the low-water line is a territorial sea appertaining to the national domain; but the right of police, in all matters concerning the security of the country and the observance of the customs laws, extends to the distance of 4 marine leagues counted in the same manner."

neutrality declared by the Government in case of international conflicts.

Let it be noted, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.

MANUEL SALINAS.

Circular of the naval authorities of Chile to the consuls and to the agencies of navigation companies, indicating the measures authorized by the Ministry of Marine for preventing the excessive supplying of belligerent merchant vessels in the ports of Chile. November 7, 1914.

[Rev. Gén., Doc. 23 : 11.]

VALPARAISO, November 7, 1914.

In order to prevent the continual complaints which have been presented to them in reference to the movements and supplies of belligerent merchant vessels, the naval authority has been authorized by the Government to demand of the agents of the respective companies, and of the consul of the nation to which the vessel in question belongs, a guaranty that these will furnish neither coal nor provisions to belligerent vessels of war, and the maritime authorities are required to execute this order as a first condition for the departure of the said vessels.

This resolution is by the present circular brought to the knowledge of the consuls and agents of the vessels in question, by requesting them, before commencing formalities for the departure of a vessel, to guarantee by a formal written declaration that the provisions and coal which it has just taken on will be employed exclusively for their proper purposes and that the departure of the said vessel has no other object than that of continuing its voyage with a purely commercial end.

At the same time, warning is given that the penalty against companies to which a vessel belongs who violate the above engagements will be thereafter to refuse all kinds of supplies and fuel to all vessels of the said company.¹

Circular of the office of the general director of telegraphs of Chile in reference to ordinary telegraphic communication. November 13, 1914.

[Rev. Gén., Doc. 23 : 11.]

SANTIAGO, November 13, 1914.

The transmission of telegrams in a conventional or cipher language is forbidden. Telegrams in clear language, written in Spanish, German, French, English, Italian, or in Portuguese, will

¹ The measures indicated in the circular had been previously authorized by the minister of marine.

be accepted whenever they do not transmit news relative to the situation, to the movements, or to the operations of vessels of war of belligerent nations. Telegrams of diplomatic and consular agents will be excepted from this restriction. In case of doubt as to the contents of telegrams written in foreign languages, the inspection office will be consulted.

Note of the Minister of Foreign Relations to the diplomatic agents of the belligerent powers in reference to the complaints they may have to make concerning the violation of Chilean neutrality. November 16, 1914.

[Rev. Gén., Doc. 23 : 12.]

MINISTRY OF FOREIGN RELATIONS,

Santiago, November 16, 1914.

We desire that the diplomatic representatives of all the belligerent powers, in formulating their complaints on the violations of the rules of neutrality, indicate so far as possible the source of the information which serves as a base of these complaints. This measure will permit of proceeding with greater rapidity in the investigation and consequently of taking in time the course which each case may require.

Decree¹ of the Government of Chile as to what should be considered as a jurisdictional sea of Chile in the southern part of Chile, especially in the Strait of Magellan. December 15, 1914.

[Rev. Gén., Doc. 23 : 13.]

No. 1986.

SANTIAGO, December 15, 1914.

Considering that the Strait of Magellan as well as the canals of the southern region lie within the international limits of Chile, and consequently form part of the territory of the Republic,
It is decreed:

In reference to the neutrality established in the decree No. 1857 of November 5 last of the ministry of foreign affairs, the interior waters of the Strait of Magellan and the canals of the southern region, even in the parts which are distant more than 3 miles from either bank, should be considered as forming part of the jurisdictional or neutral sea.

Let it be noted, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

BARRROS LUCO.

MANUEL SALINAS.

¹ This decree was brought to the notice of the Argentine Government by a communication of December 30, 1914. It was said in this communication "that by this act the Government of Chile does not intend to modify the situation created by the treaties between Chile and Argentine Republic in the Straits of Magellan and the southern canals."

Decree of the Government of Chile relative to the furnishing of fuel to the vessels of war of belligerent countries and to merchant vessels in the ports of Chile. December 15, 1914.

[Republica de Colombia. Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 33, Rev. Gén., Doc. 23 : 18.]

No. 2009.

SANTIAGO, December 15, 1914.

Considering: That convention xiii of The Hague, relative to the rights and duties of neutral powers in case of maritime war, provides, in article 19, that belligerent vessels of war can take on fuel in neutral ports in quantities sufficient to carry them to the nearest port of their own country and adds, in article 20, that these vessels can not renew their supply of fuel for a period of three months in a port of the same power ;

That these provisions, as well as others of the convention cited, indicate the fundamental object of preventing neutral powers from cooperating, directly or indirectly, in the acts of belligerents and of restricting vessels of war to procuring from neutral ports only the supplies necessary to carry them to the shores of the country to which they belong ;

That the application of these rules in the ports of the Republic produces results obviously contrary to the spirit which animates all the provisions of the above-mentioned conventions, since because of the great distance which separates our coasts from belligerent countries, the supply of coal which might be given to vessels of war is very considerable and that thus these vessels profit by the advantages which these circumstances give them, by not directing their course toward the coasts of their own country, but by continuing their belligerent operations in the American seas ;

That in this manner the provisions cited have the effect of actually increasing the activity of maritime war in the Pacific Ocean contrary to the wish and the interests of Chile ;

That for the same reason the consequences of the European conflict are felt more intensely in our country, since to the disturbances brought to its international commerce and its economic and industrial life, are added the inconveniences resulting from the accomplishment of the duties of neutrality and of the surveillance of our coast, to an extent which absorbs the activity of our maritime authorities and imposes on the public treasury considerable expense ;

That the same convention xiii, in paragraph 5 of the preamble, reserves to the signatory countries the right to change the provisions, in the course of a war, when the experience acquired from it demonstrates the necessity for safeguarding their rights ;

That the inconvenience resulting from the application of article 19 would be much reduced if, for the rule permitting delivery to vessels of war of coal necessary to gain a port of their nation, was substituted one authorizing them to take only sufficient fuel

to reach the first port of the nearest neutral; for vessels supplied under these limited conditions could not venture upon warlike operations without running the risk of finding themselves without power of locomotion on the high seas;

That the fact of our country being a producer of coal leads belligerent vessels to supply themselves with fuel in our ports more than in those of other countries in the same position, a consideration which imposes, especially upon the Government of Chile, the moral obligation of preventing the abuse which might arise in the future through the supplying of coal in its ports;

That it is necessary to adopt in case of the violation of neutrality by merchant vessels a sanction which by its gravity would directly induce the ship companies to observe completely the rules published by the Government;

That finally it is necessary to find some means of diminishing so far as possible the expenses which are imposed upon the Government for the surveillance of vessels interned in the ports of the Republic for violations of neutrality or because their proprietors have voluntarily permitted it;

It is decreed:

1. In the future the supplies of coal which vessels of war of belligerent nations can take successively in Chilean ports should not exceed the quantity necessary for reaching the first coaling station of a neighboring country.

2. In case of violation by a merchant vessel of any of the rules on the observance of neutrality adopted by the Government of the Republic, no more fuel will be allowed in Chilean ports to any vessel of the company to which the vessel committing the offense belongs.

3. Vessels interned by the decision of the Government because of a violation of neutrality and those whose proprietors manifest the intention of retaining them in the Chilean ports until the end of the war will be concentrated in the Chilean ports which the administrative authority shall determine in each case.

4. The amount of coal which may be delivered in the ports of the Republic to merchant vessels will be limited to the capacity of their ordinary coal bunkers, unless they desire to make a voyage directly toward some European port, in which case they will be given the quantity of coal necessary for this voyage provided the company to which the vessel belongs furnishes a guaranty sufficient in the judgment of the Government, that the fuel will be used only to complete the voyage in question.

The preceding provisions will be applicable in the entire territory of the Republic beginning the first of next month.

Let the present decree be taken note of and let it be communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.

MANUEL SALINAS.

Instructions of the Minister of Foreign Relations in reference to the supplying of coal to belligerent vessels of war in the ports of Chile. December 17, 1914.

[Rev. Gén., Doc. 23 : 15.]

MINISTRY OF FOREIGN RELATIONS,

Santiago, December 17, 1914.

The director general of the marine should bring to the attention of all the maritime authorities of the Republic the dates upon which supplies of coal have been furnished in the ports of Chile to belligerent vessels of war. The maritime authorities of the different ports ought on their part to communicate by dispatch to the office of the director general of the marine all the deliveries of coal made to the said vessels of war.

Decree of the Government of Chile in reference to ordinary and radio telegraphs and telephones. December 30, 1914.

[Rev. Gén., Doc. 23 : 15.]

MINISTRY OF THE INTERIOR,

SECOND SECTION,

Santiago, December 30, 1914.

No. 6364.

In view of the precedents and considering that, in accordance with the Radio Conference of London, July 5, 1912,¹ radio offices not authorized by the Government may not exist in the territory of a State:

Considering that Chile signed the fifth convention of The Hague relative to the rights and duties of neutral powers in case of war:

In view of articles 3 and 9 of the said convention, which provide as follows:

ART. 3. Belligerents are likewise forbidden to:

(a) Erect on the territory of a neutral power a wireless telegraph station or other apparatus for the purpose of communicating with belligerent forces on land or sea:

(b) Use any installation of this kind established by them before the war on the territory of a neutral power for purely military purposes, and which has not been opened for the service of public messages.

ART. 9. Every measure of restriction or prohibition taken by a neutral power in regard to the matters referred to in articles 7 and 8 must be impartially applied by it to both belligerents.

A neutral power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

It is decreed:

1. The intendants and governors of the Republic will proceed to dismantle telegraph, telephone, and radio apparatus, whether or not designed for public service, whose installation has not been duly authorized.

¹ Charles, *Treaties 1910-1913*, p. 185.

2. Telegraph, cable, and radio companies belonging to the State or to individuals can not in the future and until a new order accept for transmission communications written in a cipher or conventional language.

3. Communications addressed by the diplomatic agents accredited to the Republic and those which banks exchange between their various branches will be excepted. The key to the language should, however, be previously communicated to the office of the Director General of Telegraphs.

The only communications which can be transmitted are those clearly written in German, Spanish, French, English, Italian, and Portuguese, and which give no information on the situation, the movements or the operations of vessels of the belligerent nations.

Let it be noted, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

BARROS LUCO.

PEDRO N. MONTENEGRO.

Note of the Minister of Foreign Relations to the Minister of War and Navy in reference to the supplying of belligerent vessels of war in the waters of Chile. January 4, 1915.

[Rev. Gén., Doc. 23 : 15.]

MINISTRY OF FOREIGN RELATIONS,
Santiago, January 4, 1915.

Article 19 of convention xiii of The Hague authorizes belligerent vessels of war to revictual in neutral ports and roadsteads only to complete their normal supplies in time of peace; consequently, the supplies should be calculated by considering the current consumption of the crew in such a manner that if a belligerent vessel which has received, in a Chilean port, supplies for a certain number of days returns to another Chilean port, it can not receive a new supply of provisions before the period has expired which formerly served as a basis for the supplying of provisions.

Note of the Minister of Foreign Relations to the Minister of War and Navy in reference to complaints on the violation of Chilean neutrality. January 12, 1915.

[Rev. Gén., Doc. 23 : 16.]

MINISTRY OF FOREIGN RELATIONS,
Santiago, January 12, 1915.

TO THE MINISTER OF WAR AND NAVY :

The normal situation of a merchant vessel can not be altered by the simple act of denunciation. Proof is necessary, at least that the vessel has committed an act contrary to neutrality. In case of grave and well-founded suspicion the vessel, if it is absolutely necessary, can only be detained for a speedy investigation

of the facts. A file of documents will be formed in each case, in which will be contained the declaration of the interested parties and testimony, as well as other proof proper, to throw light on the question. The decisions made by the maritime authority should have only a provisional character until their ratification by the Government. Information on the affair in progress will in no case be given to the press even under pretext of rectification or of prohibition of proceedings by the Government. To the Government alone belongs the duty of deciding what publication should be made.

Declaration of the Minister of Foreign Relations in reference to the supplying of coal to belligerent vessels of war in ports of Chile. January 23, 1915.

[Rev. Gén., Doc. 23 : 16.]

MINISTRY OF FOREIGN RELATIONS,
Santiago, January 23, 1915.

The maritime authorities should obtain by telegraph authorization from the superior naval authority before according to belligerent vessels of war permission to load coal in Chilean ports, and these authorities, if they do not receive the authorization in sufficient time, should demand of the commander of the vessel a written declaration that the vessel has not taken on coal in a Chilean port during the last three months.

Decree of the Government of Chile modifying, in reference to ordinary and radio telegraph and telephone communication, articles 2 and 3 of the decree of December 30, 1914. January 25, 1914.

[Rev. Gén., Doc. 23 : 16.]

MINISTRY OF THE INTERIOR,
Santiago, January 25, 1915.

No. 213.

In view of the dispositions of the Telegraphic Convention of St. Petersburg (Petrograd) celebrated between the 10th and 22d of July, 1875,¹ and promulgated as a law of the Republic November 2, 1909:

It is decreed:

The provisions of articles 2 and 3 of decree No. 6364 of December 30 last, are modified in the following form:

1. Communications of diplomatic representatives and consular agents accredited to Chile, can be transmitted and received in cipher or conventional language without restriction and upon the principle of reciprocity.

2. Telegraphic communication of individuals in the country itself or with neutral countries can be transmitted in conventional language or cipher.

¹ Martens, N. R. G., II, 3:614.

3. Telegraphic communication of individuals in cipher with belligerent countries can be carried on only by means of Keys A B C, fifth edition; Scott's Code, tenth edition; Bentley's Complete Phrase Code; Western Union Code; Lieber's Code. Such communication will also be permitted to those whom the Government of Chile shall authorize on condition that the sender remit to the appropriate administrative authority a translation of the telegram and that the latter authorize its transmission, putting on the original cipher his authorization of transmission.

4. Telegraphic communication of individuals whether or not in cipher, which contains information on the situation, movements, or the operation of vessels of war, or of commerce of belligerent nations can not be transmitted. At the same time the agents of steamer companies or of commercial houses can transmit telegraphs in cipher or in a conventional language, in the country itself or with neutral countries, in reference to the movement of steamers or of merchant vessels.

Let it be noted, communicated, published, and inserted in the Bulletin of the Laws and Decrees of the Government.

BARBOS LUCO.

PEDRO N. MONTENEGRO.

Note of the Minister of Foreign Relations to the Minister of War and Navy on the interpretation of the rule recorded in No. 4 of the decree of December 15, 1914, in reference to the supplying of fuel in Chilean ports to belligerent merchant vessels. March 13, 1915.

[Rev. Gén., Doc. 23 : 17.]

MINISTRY OF FOREIGN RELATIONS,
Santiago, March 13, 1915.

To the MINISTER OF WAR AND NAVY :

The provisions of the rule recorded in No. 4 of the decree of December 15, 1914, should be interpreted in the sense that the supply of coal should not exceed the quantity necessary to carry the vessel to its port of destination, at the same time limiting the supply to the ordinary capacity of its bunkers and taking as a basis the route and the usual stops of similar vessels. Consequently the maximum of coal which can be furnished in Chilean ports to merchant vessels of belligerent flag will be that which its ordinary bunkers can contain; but in the case of a voyage to a port which the vessel could gain without using the entire contents of its ordinary bunkers the supply should be reduced to the quantity necessary to bring it to this port of destination, taking into consideration the route and the usual stops of similar vessels. In any case it will be necessary to demand of those interested a sufficient guaranty that the fuel which will be furnished them will not be used to aid operations of war.

Note of the Minister of Foreign Relations to the diplomatic agents accredited to the Government of Chile in reference to the reconversion of auxiliary vessels of the armed fleet into vessels of commerce. March 15, 1915.

[Rev. Gén., Doc. 23 : 17.]

MINISTRY OF FOREIGN RELATIONS,
Santiago, March 15, 1915.

To the MINISTER :

This ministry has examined with a particular interest the question which has been submitted to it by the British Government in a note of February 4 last, relating to the possibility, for English merchant vessels which have served up till the present as auxiliary vessels of the British fleet, to resume their status of merchant vessels and to be treated in this capacity in the Chilean jurisdictional waters.

The Second International Conference of Peace assembled at The Hague in 1907 authorized in convention vii the transformation of merchant vessels into vessels of war, determining at the same time measures intended to prevent abuses especially in reference to the reestablishment of the privateer, abolished by the Declaration of Paris of-1856.

But neither the said conference nor the London Naval Conference of 1909 have regulated all the matters relative to maritime war and notably that of the reconversion to merchant vessels of vessels which, having formerly had this character, have subsequently been converted into vessels of war or auxiliaries to the armed fleet.

Conformably to the general principles of international law the governments of neutral countries can regulate cases not provided for conventionally and apply in their jurisdictional waters the regulations which they adopt. The preamble of convention xiii of The Hague formally recognizes this right.

The Government of Chile desires to settle the question suggested by the note above indicated according to the attitude of strict neutrality adopted by it since the beginning of the war and also in conformity with the general convenience of the American Continent, since the great European conflict has demonstrated in an evident manner that international rules should in the future take into consideration the particular conditions of this hemisphere.

Inspired by this idea, the Chilean Government sees no inconvenience in admitting into the ports and jurisdictional waters of Chile and in treating in all respects as merchant vessels, vessels which have been auxiliaries of the fleet of one of the belligerent States, when the said vessels fulfill the following conditions :

1. That the auxiliary vessel has not violated Chilean neutrality ;
2. That the reconversion took place in the ports or jurisdictional waters of the country to which the vessel belongs or in the ports of its allies ;

3. That this was effective; that is to say, that the vessel neither in its crew nor in its equipment gives evidence that it can be of service to the armed fleet of its country in the capacity of an auxiliary, as it was formerly;

4. That the Government of the country to which the vessel belongs communicates to all interested nations, and in particular to neutrals, the names of auxiliary vessels which have lost this status to resume that of merchant vessels; and

5. That the same Government give its word that the said vessels are not in the future intended for the service of the armed fleet in the capacity of auxiliaries.

ALEJANDRO LIRA.

Decree of the Government of Chile regarding the official relations of foreign diplomatic agents and consuls with the administrative services of Chile. March 30, 1915.

[Rev. Gén., Doc. 23 : 21.]

No. 320.

SANTIAGO, *March 30, 1915.*

Considering the convenience of regulating the official relations between the diplomatic and consular functionaries, national or foreign, and the national administration, and following in this the established practice in other nations,

It is decreed:

1. No national or municipal service of any kind whatsoever can entertain relations with foreign diplomatic or consular representatives or with those of the Republic, nor solicit of them or furnish to them any information except through the intermediary of the minister of foreign affairs to whom either should be addressed.

2. In certain exceptional cases these relations can be established directly, but it will be necessary to obtain the express consent of the minister of foreign affairs and the authorization of the minister or cognate superior authority.

3. No diplomatic or consular authority of the Republic can entertain relations of an official character with an institution, entity, or official authority of a State which is not included in his own jurisdiction, when a diplomatic or consular representative of the Republic, who is the natural intermediary, resides in that State.

Circular relating to radio communication, April, 1915.

[Rev. Gén., Doc. 23 : 21.]

MINISTRY OF FOREIGN RELATIONS,

Santiago, April, 1915.

MR. CHARGÉ D'AFFAIRES :

I have the honor to inform your excellency that by decree No. 606, dated the 9th instant, of the ministry of the interior, the Broom Halle Imperial Combination (except special rubber edi-

tion); Meyers Atlantic Code, thirty-ninth edition; and Code A Z have been included among the telegraphic codes referred to in article 3 of decree No. 213 of January 25, last, of the same ministry.

I reiterate to your excellency the assurance of my distinguished consideration.

ALEJANDRO LIRA.

TO THE CHARGÉ D'AFFAIRES OF THE UNITED STATES OF AMERICA.

Decree of the Government of Chile on the supplying of fuel in the ports of Chile to belligerent merchant vessels making a direct voyage to European ports following the decree of December 15, 1914, No. 4. May 17, 1915.

[Rev. Gén., Doc. 23 : 21.]

SANTIAGO, May 17, 1915.

Navigation companies which require coal in Chilean ports for vessels of belligerent flag which wish to make a direct voyage to European ports should make, as a guaranty of the declared destination of the fuel, a deposit of 5 livres sterling per ton of coal loaded without prejudice to the responsibility established in No. 2 of decree 2009 of December 15, 1914. The deposit will be restored on presentation of a certificate attesting the arrival of the vessel at its declared destination in a proper time, which in each case the maritime authority will determine. This same authority will fix the conditions which the certificate should fulfill.

Reply of the Government of Chile to the Minister of Great Britain at Santiago in reference to the request of the British Government for the admission in Chilean ports of merchant vessels armed for defense. July 7, 1915.

[Rev. Gén., Doc. 23 : 24.]

SANTIAGO, July 7, 1915.

SIR: I have had the honor of receiving the note of your legation dated June 18 last in which your excellency desires to inform me that the first British merchant vessel armed for defense is ready to leave England for Chile and that vessels in the same condition carry on commerce regularly with Argentina, Brazil, Uruguay, United States, and Spain. Your excellency adds that conformably to the rules of international law in force every merchant vessel has the right to defend itself when attacked, without the means with which it is provided for that purpose modifying its "status" as a merchant vessel which is that under which it sails; and that consequently the rules which govern auxiliary vessels of a fleet can not be applied to it.

Since the outbreak of the European conflict the Government of Chile has endeavored to adopt all measures which, being com-

patible with its neutrality, permit it to continue its commerce with the European countries. In accordance with these intentions I indicated to your excellency on the 15th of March last that my Government saw no inconvenience in admitting into its ports in the quality of merchant vessels, vessels which had been auxiliaries of the belligerent naval forces and which had subsequently resumed their character of merchant vessels so long as they fulfilled certain conditions guaranteeing the sincerity of their new conversion.

My Government is inspired to-day by the same standard for settling the question which your excellence wishes to propose to it in the note to which I reply.

The Chilean ports will receive merchant vessels armed for defense when the respective Governments previously communicate to us the name of the vessel which travels under these conditions and also the route, roll of crew, list of passengers, and cargo, as well as the management and the armament of the vessel, demonstrating that it is in reality a question of a merchant vessel which is not intended to carry on hostile acts nor to cooperate in the warlike operations of enemy fleets.

If an armed merchant vessel arrives without this previous notice of the Government, it will be considered and treated as suspicious. If, violating their declaration, these vessels engage in operations of war against other merchant vessels without defense they will be forthwith considered and treated as pirates, since the Government of the country under whose flag they fly will have formally declared their exclusively commercial character by not incorporating them into its fleet of war.

ALEJANDRO LIRA.

CHINA.

Presidential mandate on the observance of neutrality during the European war.

[Peking Gazette, Friday, Aug. 7, 1914.]

PEKING, August 6, 1914.

THE DECLARATION.

Whereas we are happily at peace with all sovereigns, powers, and states;

And whereas a state of war unhappily exists between Austria-Hungary and Serbia, thereby involving many other European powers in a state of war;

And whereas by faith of treaties of friendship and commerce we are on terms of friendship and amicable intercourse with each of the powers;

And whereas the aforesaid unhappy state of war will seriously affect the commerce of the Far East;

And whereas great numbers of our citizens reside and carry on commerce and possess property and establishments and enjoy protection together with various rights and privileges within the dominions of each of the aforesaid powers;

And whereas we, being desirous of maintaining the peace of the Far East and of preserving to our citizens the blessings of peace, which now they happily enjoy, are firmly purposed and determined to maintain a strict and impartial neutrality in the aforesaid state of war unhappily existing between the aforesaid powers:

I, the President, therefore specially issue the enjoined regulations for the strict observance of neutrality by all our citizens in accordance with the existing laws and statutes and the law of nations in relation thereto.

The field marshals and governors general of all the Provinces are hereby ordered to instruct their subordinates diligently and faithfully to follow the precepts laid down in international law and to maintain the friendship with all the powers with whom we are happily at peace.

PRECEPTS OF NEUTRALITY.

1. Belligerents are not allowed to occupy any part of the territory or the territorial waters of China, nor to commit an act of war therein, nor to make use of any place therein as a base of operations against their adversaries.

2. Troops of any of the belligerents, their munitions of war or supplies are not allowed to cross the territory or territorial waters of China.

In the event of a violation, the troops shall submit to the Chinese authorities to be disarmed and interned, and the munitions of war and supplies shall be held in custody until the termination of the war.

3. If belligerent warships and auxiliary vessels are found in a port within the territorial waters of China where they are not entitled to remain, China may order them to disarm and detain the officers and crew until the termination of the war.

4. The troops interned and the officers and crew detained in accordance with articles 2 and 3, respectively, will be supplied, if necessary, with food and clothing until the termination of the war. The expenses thus incurred shall be made good by the respective belligerents.

5. Belligerent warships or auxiliary vessels which are allowed by the local authorities to remain within the territorial waters of China can remain there for a period not exceeding 24 hours. If they are unable to depart for the sea within this period on account of stress of weather, or on account of the fact that the repairs to damage are not completed, or of the fact that they have not shipped a sufficient quantity of necessary food, provisions, and fuel to enable them to reach the nearest port of their own country,

they shall leave it to the commanders of the Chinese navy or the local authorities to consider an extension of the time limit. They must leave as soon as the circumstances of the delay are at an end.

6. Except on account of stress of weather or repairs to damage, the number of warships or auxiliary vessels belonging to a belligerent which may simultaneously remain in one of the ports or roadsteads of China shall not be more than three.

7. When warships or auxiliary vessels belonging to several belligerents are present simultaneously in one of the ports of China, the ship or vessel which arrived later can not leave until 24 hours after the departure of the one which arrived earlier and until after the receipt of an order to proceed from a commander of the Chinese navy or the local authorities.

8. Belligerent warships and auxiliary vessels are forbidden to revictual their supplies in the territorial waters of China above the peace standard or to increase their fighting strength.

9. Belligerent warships or auxiliary vessels are forbidden to make captures in the territorial waters of China and, except when it is absolutely necessary on account of stress of weather or repairs to damage or seeking supplies, they are also forbidden to bring a prize into any of the ports of China. They must leave as soon as the circumstances of their entry are at an end. During their stay they are also forbidden to allow the prisoners of war to go on shore or to sell the prize and its contents. If belligerent warships or auxiliary vessels do not conform to the foregoing provision, China may release the prize and the prisoners of war, intern the prize crew, and confiscate the ship or vessel or the goods.

Prisoners of war brought into the territory of China by belligerent troops, as well as those who escape to China, will be released forthwith. The troops who bring prisoners of war into the territory of China will be interned.

10. Articles 3, 5, 6, and 8 are not applicable to belligerent vessels of war devoted exclusively to scientific, religious, or philanthropic purposes.

11. Within the territory and the territorial waters of China belligerents are not allowed to form corps of combatants or equip fighting vessels or open recruiting agencies or establish a prize court or set up a blockade of one of the ports.

12. The guards attached to the legations of the various powers in Peking and their troops stationed along the route between Peking and Shanhaikuan shall continue to conduct themselves so as to conform to the peace protocol of the 25th day of the 7th moon of the 27th year of Kuang Hsu, i. e., September 7, 1901.¹ They are not allowed to interfere with the present war.

The foreign troops stationed in other parts of China shall act likewise.

¹ Malloy, *Treaties*, p. 2006.

Those who do not conform to the foregoing provisions may be interned and disarmed by China until the termination of the war.

13. Belligerents are not allowed to deprive Chinese who reside within their dominions of their money or property or force them to enlist in their military service. If necessary, China may dispatch warships to render them protection or to take them out of the country.

14. The fact of China using various means to resist an attempt of a belligerent to violate these articles of neutrality can not be regarded as a hostile act.

15. Chinese citizens within the territory and territorial waters of China are not allowed to proceed to a belligerent power to enlist in its military service or as a member of the crew of one of its warships or auxiliary vessels. Nor are they allowed to participate in the war.

16. Within the territory and the territorial waters of China no person is allowed to arm and equip for a belligerent or furnish ships or stores and military supplies, such as shots and cartridges, gunpowder, saltpeter, arms, etc., for the purpose of performing acts of war or making captures. Nor are they allowed to supply any of the belligerents with funds.

17. Within the territory and the territorial waters of China no person is allowed to carry on the work of espionage for any of the belligerents, or prepare dispatches concerning the operations of the war on its behalf.

18. Without the permission of a commander of the army or the navy or the local authorities no person within the territory or territorial waters of China is allowed to sell coal, fuel, or food provisions to the troops or any of the warships or auxiliary vessels of the belligerents.

19. Without the permission of the local authorities no person within the territory and the territorial waters of China is allowed to repair or load or unload a prize on behalf of a belligerent, nor to sell, exchange, accept as a gift, or keep in custody the prize and all the belongings taken as prize.

20. Chinese ships and all persons on board them shall observe the regulations in force at any port effectively blockaded by one of the belligerents and must not carry contraband of war or forward military despatches or transport goods for one of the belligerents or commit other acts in violation of the laws of war.

21. Any person within the territory or the territorial waters of China who violates these articles of neutrality, if he is a Chinese, will be punished in conformity with the laws and ordinances, and the goods confiscated; if he is a foreigner he will be dealt with in accordance with treaty and the law of nations.

22. Chinese citizens who violate the laws of war and are captured by a belligerent will be left to be dealt with by its courts in accordance with the law of nations. If the capture by the belligerent is illegal, it shall indemnify any loss or injury.

23. Belligerents are not allowed to detain the arms or contraband of war carried by Chinese vessels between Chinese ports or for or from another neutral country. The ordinary commercial goods carried by Chinese vessels and belonging to a belligerent, as well as all goods belonging to China and carried in belligerent vessels, shall be allowed to pass to and fro without let or molestation.

All belligerents shall recognize and give effect to the passports and certificates issued by China.

24. The cases not provided for in the present articles will be dealt with by China in accordance with the convention respecting the rights and duties of neutral powers and persons in case of war on land and the convention concerning the rights and duties of neutral powers in naval war, concluded between China and the other powers at The Hague in 1907.

COLOMBIA.

Resolution of the Colombian Government relative to the supplies which may be delivered to vessels of war and merchant vessels of belligerent States in Colombian ports. August 13, 1914.

[Republico de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 169.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, August 13, 1914.

In view of the war at present being waged between various European powers;

In view of the notification and communications relating to the clearance of vessels which some of these powers have made to the Government of the Republic by the intermediary of their legations in this city;

Considering the duties imposed on the Colombian Government by its neutrality in reference to the belligerent States, and

Considering the theory followed on this subject by this ministry, which is a result of the conduct pursued by the Colombian Government in the wars of 1879 between Chile, Peru and Bolivia; of 1891 between the Government of Chile and the Insurrection which had arisen against it; and of 1898 between Spain and the United States of America;

It is resolved as follows:

The governors of the Departments of Narino, Canca, El Valle, Bolivar, Atlantico, and Magdalena will take for guidance on the subject of the clearance of merchant vessels or vessels of war of the belligerent nations the following rules which will be transmitted to the authorities of the respective ports, to wit:

1. To prevent, by using due diligence, the shipment of arms, munitions, and other materials of war in the vessels of any of the belligerent squadrons.

2. To prevent the shipment of the same articles on merchant vessels if an authorized agent has declared the cargo to be destined for the forces carrying on military operations.

3. To prevent the loading of coal in vessels of the squadron itself unless it is proved that the vessel is unprovided with coal and that it should receive, in order to fill up its bunkers, only the quantity of coal strictly necessary for reaching the nearest foreign port.

4. To permit vessels of war to provide themselves with provisions and other articles not arms, munitions, coal, and other materials of war.

The standard to which the regular practice in this matter is referred is the exact definition of that which should be signified by contraband of war. The primary notion of contraband includes only articles which by their nature are intended for a war-like use. There is also occasionally included as contraband, articles, the classification of which can not be determined in a resolution like the present. The development of commerce and means of war may give the character of occasional contraband to objects which formerly did not have this character. In this case the respective authorities will consult the Minister of Foreign Relations, in other cases they will act conformably to the admitted rules which impart the idea that articles of contraband are restricted to articles which *by themselves* serve for the conduct of war.

The present resolution has a provisional character. It will be applied until a more profound study of the principles and motives on which it is based shall have introduced modifications.

It should be transmitted by telegraph to the governments of Narino, Canca, El Valle, Bolivar, Atlantico, and Magdalena.

Published in the *Journal Officiel*.

By His Excellence the President of the Republic.

The Minister of Foreign Relations.

MARCO FIDEL SUAREZ.

Addition to the resolution of August 13, 1914, on neutrality in reference to the clearance of vessels, especially in the matter of radiotelegraphy. August 22, 1914.

[Republico de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 171.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, August 22, 1914.

Considering that at the Second Conference of The Hague in 1907, the contracting nations have indicated among the obligations of neutral states that of preventing in their waters the use of radio stations installed on vessels of belligerent nations

and of preventing the clearance of merchant vessels which have been armed for war on the high seas;

Considering that the representatives of Colombia have subscribed to these provisions; and

Considering that, although the provisions of the conference cited, to which the Republic adhered, have not yet been approved by the Colombian Congress, these provisions form, nevertheless, a true theory as respectable by its origin as by its clear foundation;

It is resolved as follows:

The following additions are made to the resolution of August 13, 1914, of this ministry on neutrality in reference to the clearance of vessels;

The authorities of the maritime ports of the Republic will notify vessels of the nations at war that they are not permitted, so long as in Colombian waters, to use their radio installations, which should be dismantled during the time; and that in the same circumstances no preparation can be made for converting merchant vessels into vessels of war on the high seas.

Let this resolution be communicated to the governors of Narino, Canca, El Valle, Bolivar, Atlantico, and Magdalena.

Published in the *Journal Officiel*.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

Resolution, additional to those of August 13 and 22, 1914, on the neutrality of the Republic of Colombia in the present war between various powers, especially in reference to radiotelegraphy. September 1, 1914.

[Republico de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 172.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, September 1, 1914.

Considering:

1. That according to article 7 of the contract made July 19, 1911, between the ministry of the Government and the United Fruit Co. (Compagnie Frutera Unidos) the radio service of the company to Santa Marta should be absolutely neutral in case of war;

2. That conformably to article 45 of the contract made between the ministry of the Government and the radio company the radio service of the company to Cartagena is submitted in case of foreign or internal war to the supervision and the preventive censorship of the local authorities;

3. That, even in cases where there does not exist similar formal and special provisions by the fact alone that the installations of radio telegraphs in Santa Marta and Cartagena are in Colom-

bian territory and furthermore on territory which is the property of the Government, the respective companies which are usufructs or possessors of these installations are bound to respect and not to compromise the neutrality of the Republic;

It is decreed:

The radio station of Santa Marta and the radio station of Cartagena, so long as the present war between various nations lasts, and by this fact itself, the rights and duties of Colombia as a neutral state will be in force, can not be put in use without a strict observance of the provisions of article 7 of the contract of July 19, 1911, and of article 45 of the contract of May 11, 1912. Consequently the use of these stations will be submitted to the supervision and the censorship of the authorities of Santa Marta and Cartagena in such a manner that no communications capable of being considered as having a military character or as favoring operations of war may be sent or transmitted.

Let this decree be communicated by telegram to the governors of Magdalena and Bolivar with mention of urgency, recommending that they acknowledge receipt by telegram and immediately publish measures such that the decree may receive a prompt and complete effect.

Published in the *Journal Officiel*.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

Resolution additional to those of August 13 and 22 and September 1, 1914, on the neutrality of the Republic of Colombia in the present war between various powers, especially in reference to radiotelegraphy. September 11, 1914.

[República de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 173; Rev. Gén., Doc. 23:28.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, September 11, 1914.

Considering:

1. That, conformably to article 45 of the contract made May 11, 1912, between the ministry of the Government and the radio company of Cartagena, the company in case of foreign war is under the obligation to submit its service to the supervision of the local authorities and the transmission and delivery of its dispatches to the preventive censorship of the same authorities;

2. That, as is known, the condition of a foreign war is at present being realized and that consequently the obligations of supervision and preventive censorship exercisable by the local authorities are in effect for the company;

3. That, according to the indications of the government of Cartagena, this supervision and preventive censorship, to be effective, requires the cooperation of experts with the necessary quali-

fications of ability and of neutrality demanded by the existing circumstances;

4. That at this time there are not at hand experts who combine such qualifications, which renders it impossible to accomplish the functions which the contract has imposed upon the local authorities;

5. That, for this reason, the Government has received some complaints and reclamations against the transmission of dispatches at the radio station of Cartagena, complaints and reclamations founded on the fact that the radio company has disregarded the neutrality of the Republic in the war carried on by various States;

It is resolved:

The service of the radio station of Cartagena is temporarily suspended until, by virtue of the cooperation of suitable experts, the supervision and preventive censorship of the local authorities may be realized in the service of the station and in the transmission and delivery of its dispatches. As soon as suitable experts can be employed, who will render possible the preventive censorship and in this manner the neutrality of the Republic will in a measure be clearly guaranteed, the station can resume its service by submitting to the obligatory censorship and supervision.

The governor of Cartagena in notifying this decision, will also warn the radio company, conformably to article 18 of the contract of May 11, 1912, that the nonaccomplishment of article 15 or of any of the stipulations of the contract will give the Government the right to declare the contract void by administrative action.

Communicated by emergency telegram to the government of Cartagena.

Published in the *Journal Oficial*.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

Circular of the Minister of Foreign Relations of Colombia to the editors of periodical publications in Colombia on the subject of the neutrality which the press should observe in the present war. November 27, 1914.

[Republica de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 119; Rev. Gén., Doc. 23: 31.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, November 27, 1914.

MR. EDITOR: The gigantic war which has for four months desolated various nations and afflicted the world affects not only the belligerents but creates very delicate and grave duties for neutrals. From first to last civilized peoples all meet in neutrality occasions for fear and annoyance because of the importance of their duties as well as because of the dangers which nonobserv-

ance of these duties may bring in the shape of possible future reclamations.

When our Government spoke for the first time of Colombian neutrality in the present war, certain writings, termed the official resolutions, "ridiculous acts," attributing to the idea of nation an importance which it does not have. These publicists have without doubt forgotten the first rudiments of these questions, since it is known that all international persons, feeble or powerful, have duties and rights in time of peace or in time of war.

Neutrality imposes obligations primarily upon governments, their agents, and their forces, but the civil society, that is to say the people, individuals, and associations, and the organs of public opinion are no longer in this respect exempt from certain duties. Although the progress of law to-day tends to limit war to governments and to armies relieving the population from hostilities, neutrality on the contrary by virtue of analogous humanitarian ideas tends to be applied to the population itself as well as to the authorities. To-day, the public opinion of the United States conceives of a social neutrality inspired not by strict law but by common prudence and fraternity and disposed to consider the susceptibilities of peoples.

The most fertile field of application for this new conception of neutrality is the periodical press. The press can inflame the opinion of a neutral society and occasion there veritable damages by its tone and its criticisms. There may result from this deplorable consequences as the injury of aliens domiciled in the territory, traditional friends of the nation in which they reside, bound to it by the bonds of family and useful to its progress and to its culture; as offenses to powerful governments in the person of their rulers or their sovereigns, who will bring it about that later their governments will not regard the country with favor, although it may have need of them for the development of its credit and its commerce; as finally an attain upon a good public reputation, of which a cultivated press is the principal element.

A course, discreet, correct, and moderate on the part of the periodical publications whenever they treat of facts relative to the belligerents should be regarded as a kind of duty for neutral societies, although it is a question here of an imperfect duty, for there is a want of sanction. Thus one can not disapprove, Mr. Editor, of the complaint which, under date of the 25th instant, his excellency the minister of the German Empire at Bogota addressed to this ministry against certain articles published by the press of this capital, any more than of the reply of the minister to his excellency indicating publicly the ideas and sentiments expressed in the present circular.

Not because the public authorities are the only personalities upon whom is incumbent the duty of showing neither favor nor hostility to belligerents, nor because impartiality can coexist with

sympathies or antipathies more or less definite, nor finally because the liberty of the press authorizes in practice all kinds of publications, ought one to admit as proper the possibility for the press to take no account of truth, courtesy, and good will.

Absolute liberty of the press does not nullify the duty here in question. If to-day it has begun to be recognized that culture, truth, and good will are imposed on periodicals from the point of view of neutrality, that is to say, that such practices are becoming a duty between nations, and if international law constitutes a part of the law of a country, it clearly results that these rules of propriety should impose an obligation upon the most free press.

The fact that neutrality can coexist with sympathy no longer justifies the doctrine which we combat.

Sympathy is a thing, just and indeed necessary, for a state of absolute indifference is impossible for the spirit or for the soul. But sympathies and antipathies can be expressed in the reasonable form of truth, in the respectful form of courtesy, and in the Christian form of good will.

It is no longer true to say that once the Government has officially observed impartiality, associations, individuals, and the press can express themselves as they please, for we have seen that such an attitude may wound aliens domiciled in the country, occasion the hostility with all its injurious consequences of powerful governments, tarnish the good reputation of the country itself.

A proof of the truth of the preceding reflections is found in some passages of the famous speech delivered on September 9 by Senator Stone, chairman of the Committee on Foreign Relations of the Senate of the United States:

Another thing to which I desire to call especial attention and emphasize is the partisan attitude being assumed by many of the great publications of this country. Knowing how potent these publications can be in creating public opinion and in fomenting factional strife, it is natural that those upon whom the responsibilities of government are cast should look upon this particular phase of partisanship with deep solicitude and apprehension. The managers of these great publications, even far more than individual citizens in more private walks, should be very mindful of the patriotic duty they owe their own country in this great emergency. It is a source of profound regret that so many influential journals and periodicals are beginning to take sides in this mighty contest, and are beginning not only to express their sympathies for the one side or the other, but to indulge in harsh criticism and sometimes in denunciations of the Governments and the armies of those with whom they are not in accord. This is not only hurtful at home in exciting animosities among our own people, but it creates bad impressions and arouses hot resentments abroad; and moreover it should be manifest to every man that this sort of thing works estrangements and makes free and cordial intercourse between this Government and the Governments of the nations at war more difficult and embarrassing. How can any patriotic and right-thinking American forget that ours is the only one of the great world powers holding the enviable but delicate position of absolute neutrality? To that policy, founded upon the love of peace and springing from an honest desire to be of service to mankind, we are pledged by the most solemn assurance, and to a strict observance of that pledge we are bound by every consideration of national interest and honor. It is

amazing that great editors and publishers should so forget the supreme duty they owe to their own Government as to become callous about and thoughtless of the Nation's plighted faith, and to indulge in vituperative attacks upon the rulers or the Governments of any of the belligerent powers, or seek to arouse against any of them a hostile public sentiment in this country.¹

Nothing is more natural than to give information on the progress of a conflict which interests us much, as it interests all people; but this information, far from augmenting the feelings to which the existence of any struggle naturally gives birth, should tend to develop the views which we formulate in order that concord may replace hate and in order that there may be an end to a warlike devastation, the greatest in which man has yet taken part. Thus commands justice, interest, and the spirit of religion; thus persuades the conditions of the States in conflict. How much is it to be desired that a state of peace and progress be reestablished for all of them? Belgium, the fine nation of industry and social well being merits more than any other people that such a wish be realized. France merits it also, for she is the organ *par excellence* of the civilization of the world. England, the same, by reason of the services which she has rendered for centuries to the liberty of peoples. The German Empire equally merits it, for her powerful culture in which is combined science, commerce, industry, public instruction, and domestic morality; Austria for the prestige of the Holy Empire which the diverse elements of her nationality entails; Russia, because some day to the grandeur of her territory will be added the grandeur of social and political reforms. The same wish corresponds to our ardent desire that there be an end to a war which already overwhelms us by the fatality of its consequences and which each day renders more injurious to us.

If you wish, Mr. Editor, to interpret faithfully the feelings of this circular, elaborated according to the instructions of the Republic, you must see in it not the need of acting as a school-master, but the intention of preventing for the Government the difficulties of complaints and the desire to render peace so effective in our territory that its wings will cover even the manifestations relating to the modest neutrality of our fatherland.

I have the honor to be your respectful servant and compatriot,
MARCO FIDEL SUAREZ.

Resolution by which the radio station of Cartagena is closed during the European war. December 5, 1914.

[Republica de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 116.]

MINISTRY OF FOREIGN RELATIONS,

Bogota, December 5, 1914.

Considering that in article 15 of the contract made May 23, 1912, between the ministry of the Government and the radio com-

¹ Congressional Record, 51 : 14853.

pany at Cartagena (Gesellschaft für Drathlose Telegraphie, M. B. H.) it is stipulated that in case of foreign war the radio station can function under the inspection and the censorship of the Government, the object obviously being to assure the neutrality of the Republic in relation to the belligerents;

Considering that, in the first days of the European war, care was taken to establish the inspection and the censorship stipulated in the contract, but that later it became clear that these measures would not be satisfactory because of the lack of competent experts effectively representing the Government in order to give assurance that the station will neither receive nor transmit messages capable of violating the territorial neutrality of Colombia;

Considering that by reason of this circumstance the radio station of Cartagena has been provisionally closed until a competent technician has been found to exercise the supervision and censorship of the radiotelegraph;

Considering that, subsequently, the technician desired was found and that a contract was made with him requiring a monthly remuneration of 1,200 pesos in gold, charged to the Government, and that his presence at Cartagena and his supervision of the station has been constant, in such a manner that no messages have been received or transmitted without the interpretation of the censor, and for this reason it was ordered that only messages in the Spanish, English, or French languages would be allowed and that the use of any cipher whatsoever would be prohibited;

Considering that the supervision and the censorship to which the Government has a right by virtue of the contracts cited and to which it was obligated by reason of its duties of international neutrality having been established in this manner, the legation of Great Britain has asked that the German employees be excluded from the radio station;

Considering that, in spite of the fact that the censorship exercised by means of the technician named for this work has been constant and has prevented, in the opinion of the Government, all messages contrary to neutrality, the Government, at the departure of the inspector of the station which was closed, wished finally to follow in the circumstances the practice which the Government of the United States would adopt, and with this object obtained the necessary information;

Considering that consequently it has been ordered to exclude absolutely from all employment or from all business in the radio station every employee, German or belonging to any other nationality engaged in the present European conflict, the measure being notified in sufficient time to those interested by the governor of Cartagena;

Considering that, by reason of the closing of the station at this time on account of an injury to the apparatus and of the

absence of the censor inspector who has been replacing the commission relative to neutrality on the coasts of Darien, it has not been necessary to name the controller, who, in the pay of this Government, should audit the accounts of radiotelegraphy in order to pay them periodically to the company;

Considering that the resolution of the Government having been notified to the representative of the Telefunken Co. at Bogota, the legation of the German Empire in this city declared by a note of this day that the company saw no objection to closing the station, to count from this day until the end of the war which has given rise to the present situation of neutrality, and that it would demand of the Government no indemnity for the time during which the inactivity of the radio station might last, all this being considered as an act of spontaneous solicitude on its part;

It is resolved as follows:

The ministry accepts in the name of the Government the declaration made by his excellency, Dr. Kracker von Schwartzfeldt, envoy extraordinary and minister plenipotentiary of the German Empire, in a note of this day, and in the name of the radio company of Cartagena, by which the said company is said to desire the closure of the station, renouncing all claims for the *lucrum cessans*. The Government is pleased to recognize the spirit of friendship and justice which this declaration indicated.

The necessary instructions will be transmitted to the governor of Cartagena, so that, agreeably to the representatives of the company at the above-mentioned stations, this will be closed and the apparatus put in a place of security in such a manner that it will not suffer deterioration or damage by reason of non-usage during the time of closure, and that all the other acts, which in view of the local and special circumstances are necessary for the efficiency of the closure and for preventing all damages to those interested, may be executed.

Published in the *Journal Officiel*.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

Resolution additional to those relating to radio stations in Colombian territory. July 14, 1915.

[Republica de Colombia, Informe del Ministerio de Relaciones Exteriores al Congreso de 1915, p. 188.]

MINISTRY OF FOREIGN RELATIONS.

Considering:

1. That in Colombian territory there are at present established a radio station situated at Cartagena belonging to a German company, a station at San Andres de Providencia, the

object of a contract between the Government and a German company and which has been admitted by the respective authorities; finally, a station at Santa Marta which is the property of a company of the United States;

2. That the station at Cartagena has been closed voluntarily by its proprietors and possessors since the first days of December, 1914, following an official note of the honorable legation of the German Empire in this city of the 5th of the said month;

3. That the station at San Andres, although the property of the Colombian Government, has not remained continuously in operation and that it has been closed by order of the Ministry of the Government in view of the impossibility of finding a neutral expert who can look after its service in a permanent manner;

4. That the station at Santa Marta is to-day in activity and offering its service to commerce and to the public in accord with its rights and rules;

5. That in Colombian ports of the Atlantic there have been and at present are merchant vessels of belligerent nationality whose radio apparatus has been rendered incapable of service on the order of the authorities of the Republic;

6. That the station of Cartagena, since it has been closed, has remained materially incapable of operation because of the means taken for preventing its use, and has also remained morally incapable of being employed as a consequence of the declaration made voluntarily by his excellency the German minister at Bogota;

7. That, in spite of these measures ordered from the beginning and others adopted later, for example, those relating to the antennæ of apparatus which have been brought down and surrounded by water, the Government has promised the legations most interested in this subject to increase the precautions for the protection of its neutrality to the end of assuring so far as possible the rights of belligerents as well as its own duties and rights;

8. That to this end, apart from the constant vigilance exercised by the authorities of Cartagena and by the official expert who represents the Government, conformably to the contract of September 17, 1914, the above-mentioned station has been studied and its condition has been investigated by two neutral foreign technicians, one a radio expert of the vessel *Carillo* and the other a similar expert of the vessel *Santa Marta*, both of Anglo-American nationality, who have declared that the use of the station at Cartagena has been completely prevented and is absolutely impossible;

9. That, in addition to the declaration of its own technical commissaire and of the declarations of the foreign neutral experts indicated, the Government has attempted to obtain from the United States, with the exclusive object of proceeding to a new investigation of the situation, an expert in the pay of the

Republic, it being impossible to have an expert of Austrian nationality, evidently disqualified for such a mission;

It is resolved:

1. The radio station of Cartagena will continue, subject to the measures previously adopted for preventing its use, under the inspection and supervision of the official Colombian expert and the local political authorities. If these authorities, in accord with the expert, consider new orders or new measures necessary for the better assurance of the neutrality of the Republic, they will decree them on their own authority in urgent cases and in ordinary cases will consult this ministry. The home of the German employees who previously worked in the station will not be troubled, although this home be near the place of the radio apparatus, the use of this apparatus continuing to be absolutely impossible.

2. The station of San Andres will remain closed for a time and in the manner which will be indicated by the competent ministry.

3. The station of Santa Marta can continue to exercise its rights, but subject always to the departmental and national authorities; but it can not have in its service individuals of the nationality of any of the belligerents.

4. The vessels belonging to belligerent states and lying in Colombian waters will continue to be subject to the supervision and to the inspection of the authorities of the Republic, and their apparatus will remain incapable of operation and paralyzed in a manner believed to be effective; and, if necessary, they will be transported to land, in whole or in part, as will be prescribed.

Let this resolution be communicated to the honorable legations of the United States, Great Britain, the German Empire, and the French Republic in this city and transmitted by courier to the governors of Bolivar, Atlantico, and Magdalena.

Published in the *Journal Officiel*.

Done at Bogota, July 14, 1915.

By His Excellency the President of the Republic.

The Minister,

MARCO FIDEL SUAREZ.

CUBA.

Proclamation of neutrality, August 5, 1914.¹

[Boletin Oficial de la Secretaria de Estado, 1914, p. 361.]

To the citizens of Cuba:

According to the official information received at the Office of the Secretary of State, there actually exists a state of war be-

¹ Similar proclamations were issued in reference to the wars between Russia and Austria-Hungary, Aug. 18, 1914; France and Turkey, Nov. 9, 1914; Austria-Hungary and Italy, May 25, 1915; Italy and Germany, Sept. 9, 1916.

tween Austria, Servia, Germany, Belgium, France, and England. As it has been communicated to the belligerent nations that the Government of the Republic will observe the strictest neutrality during the conflict, in accordance with the rules of international law, I make known the decision of the Government so that all the inhabitants of the territory of the Republic and all Cuban citizens may act in accordance with said declaration of neutrality.

Mariel, the fifth of August, nineteen hundred and fourteen.

M. G. MENOCAL.

Decree providing for the observance of neutral duties, August 10, 1914.

[Boletín Oficial de la Secretaría de Estado, 1914, p. 361.]

In accordance with the proclamation, published by an order of the fifth of August of the present year, announcing the strict neutrality to be observed by the Government of Cuba as well as by all its inhabitants and all Cuban residents abroad in regard to the belligerent powers in the present European conflict, it has been resolved to publish the rules which follow and which have been consecrated by the practice of nations and by several treaties between various countries as well as by other conventions, in several of which the Republic of Cuba has taken part, in order that they may be kept in evidence and duly observed:

First. No belligerent shall establish in the territory of the Republic of Cuba stations of radiotelegraphy or any other apparatus whatever destined to be a means of communication with belligerent forces, be these on land or sea.

Second. It is forbidden to form corps of combatants or to open enlistment offices in the territory of the Republic of Cuba for the benefit of a belligerent.

Third. It is forbidden for a belligerent to make use of a wireless telegraphy apparatus belonging to the Government.

Fourth. No Cuban citizen residing in a belligerent country shall be able to avail himself of his neutrality if he commits actions of hostility against or in favor of a belligerent, especially so if he voluntarily enters into military service in favor of one of the belligerent parties.

Fifth. It will not be allowed for any hostile action, including capture or right of search, to be done by a belligerent in the lawful waters of Cuba.

Sixth. No belligerent shall be allowed to hold a prize court in the territory of the Republic of Cuba or in vessels in the lawful waters of Cuba.

Seventh. Within the jurisdiction of the Republic of Cuba it shall be forbidden to arm and equip vessels when there is reason to believe that these are destined to serve as ships of war or to be used in hostile operations against any one or more of the powers with which this Republic is at peace.

Eighth. Vessels of belligerents shall not remain in the ports, inlets, and lawful waters of the Republic of Cuba for more than twenty-four hours unless they are obliged to do so because of being unseaworthy or because it is impossible, in that space of time, for them to provide themselves with the amount of fuel necessary to carry them to the nearest port of their own nationality. However, they will be required to leave as soon as the cause for delay in their departure has been eliminated.

Ninth. Belligerent ships of war shall not carry on repairs in ports or inlets of the Republic otherwise than in the measure necessary for the safety of their navigation and without increasing in any manner their military strength. Competent authorities or functionaries of the Republic shall judge of the necessity of the repairs pending, and said repairs shall be completed as rapidly as possible.

Tenth. Belligerent vessels shall not make use of ports, inlets, and lawful waters of the Republic to renew or increase their military provisions or armaments or to increase their crews. However, they may take on board, in the ports of the Republic, provisions in such quantity as would be normal and necessary in time of peace; furthermore, they shall not be allowed to take on more fuel than is necessary to carry them to the nearest port of their own nationality.

Eleventh. Belligerent ships of war which have taken on fuel at a port of the Republic shall not be allowed to renew their provision in any Cuban port before the expiration of three months.

Twelfth. It shall not be allowed to bring prizes into the ports of the Republic unless their condition is such as not to allow of navigation, or on account of high sea or lack of fuel or provisions; they shall, however, always be obliged to leave as soon as the cause of delay is removed. Failing to leave promptly the officers and crew of the prize shall be set at liberty and the crew on board the captain's ship shall be interned.

Thirteenth. A prize which has not been brought into a port of the Republic under the circumstances mentioned in the paragraph above shall be set at liberty.

Fourteenth. In case a belligerent vessel should refuse to leave a port of the Republic after having received notification from the competent Cuban authorities the vessel shall be disabled so that it may be unable to navigate until the end of the war, and the commander of said vessel shall be obliged to facilitate the disabling of the ship. Thus disabled the vessel shall be interned and its officers and crew shall be detained; they shall be allowed to live on their own vessel or another vessel or to find lodging on land, a certain number of men necessary for the care of the interned vessel remaining on it, without embargo. The officers shall be allowed to remain on land, provided they give their word that they will not leave the territory of the Cuban Republic without authorization.

This order shall become effective on its publication in the *Gazette*; the Secretaries of State, of Government, and of Finance will take charge of its execution, respectively, according to the nature of the question.

Mariel, the tenth of August, nineteen hundred and fourteen.

M. G. MENOCAL, *President.*

PAUL DESVERNINE,
Secretary of State.

Circular to the foreign consular corps relating to radio apparatus.

[Boletín Oficial de la Secretaría de Estado, 1914, p. 507.]

HABANA, *September 24, 1914.*

Mr. CONSUL: In order to give due effectiveness to the order of the Honorable President of the Republic, on date of August 10 ultimo, regarding the neutrality to be observed in Cuban territory in consequence of the European conflict, the Government has resolved the following:

1. All commercial vessels of belligerent nations carrying wireless telegraphy apparatus that find themselves in, or arrive at the ports of the Republic shall keep one flag hoisted while they remain in said ports.

2. Mercantile vessels, both Cuban and foreign, which carry wireless telegraphy apparatus shall not use these during their stay in the ports of the Republic.

I have the honor of communicating the above resolution to you that you may transmit it to the captains of the mercantile vessels of your nationality in order that it may be strictly observed by them.

I beg that you will be pleased to acknowledge this communication.

I have the honor to be,

G. PATTERSON, *Second Secretary.*

*Decree relating to the status of armed merchant vessels,
March 3, 1916.*

[Boletín Oficial de la Secretaría de Estado, 1916, p. 501.]

This decree reproduces the memorandum issued by the United States September 19, 1914, *infra*, page 93.

DENMARK.

Royal order of December 20, 1912, concerning the neutrality of Denmark in case of war between foreign powers.

[Lovtidende for Kongeriget Danmark, 1912, a, p. 1342.]

Given at the royal palace Amalienburg, in Copenhagen.

We, Christian X, King of Denmark, the Goths' and Wends' King, Duke of Sleswick, Holstein, Stormarn, Ditsmarsk, Lauenburg,

and Oldenburg, make known that it has pleased us to order the following in order to protect Denmark's neutrality in case of war between foreign powers:

1.

1. War vessels of belligerent powers may enter Danish harbors and roadsteads as well as other Danish territorial waters with exceptions and restriction, as on the special conditions given below:

a. It is prohibited war vessels of the belligerent powers to enter the harbor and roadstead of Copenhagen.

b. It is also prohibited the named vessels to enter such inner territorial waters whose entrances are closed by mines or other means of defense.

c. If circumstances demand it or in order to protect the sovereignty of the State or to secure its neutrality, the right is reserved to prohibit the entering of other Danish ports or roadsteads or other parts of inner territorial waters, the conditions being the same for both belligerent powers.

Considered as inner Danish territorial waters are not only harbors, entrances to harbors, roadsteads and bays, but also the sea territory between and inside islands, small islands, and reefs which are not continually submerged.

In those parts of the Danish sea territory in the Kattegat, the Sound, the Great and the Little Belt which are known as "natural routes of communication" between the North Sea and the Baltic only harbors and entrances to harbors have to be considered as inner Danish territorial waters.

d. War vessels of belligerent powers which have omitted to follow the rules prescribed by the authorities concerned or having offended the neutrality of the state may by order be prohibited the entering of Danish harbors and roadsteads.

2. a. War vessels of belligerent powers must pay due respect to the sovereignty of the State and must avoid any action offending its neutrality.

b. All hostile actions, including the right of detaining and searching a vessel, whether neutral or flying the colors of the enemy, are strictly prohibited.

If a vessel has been captured in Danish territorial waters, the vessel, as well as its officers, crew, and cargo, must be set free.

3. War vessels of belligerent powers or their prizes are only allowed to navigate in the Danish territorial waters on the same conditions as mentioned under (1) regarding entering of said waters.

4. a. War vessels of belligerent powers are not allowed to remain more than 24 hours in Danish harbors, roadsteads, or other Danish territorial waters except in case of damage, rough weather, or in the cases (c) and (d) mentioned below, the vessels having to leave as soon as circumstances permit it. War

vessels acting as floating hospitals or exclusively intended for religious, scientific, or humane purposes are not subject to the 24 hours' time limit.

b. Not more than three war vessels belonging to one and the same belligerent power may at the same time stay in the same Danish port or at the same Danish roadstead.

c. If war vessels of both belligerent parties are at the same time in the same Danish harbor or at the same Danish roadstead, war vessels belonging to one of the belligerent powers are not allowed to leave the harbor or roadstead earlier than 24 hours after the departure of war vessels belonging to the other of the belligerent powers. The vessels have to leave according to their arrival, except in the case the last arrived vessel, due to special circumstances, has obtained permission for further remaining.

d. It is prohibited a war vessel of a belligerent power to leave the harbor or the roadstead earlier than 24 hours after the departure of a merchant ship flying the colors of the enemy. It is the duty of the authorities concerned to arrange the departure of the merchant ship so that the war vessel is not unnecessarily detained.

5. a. During the stay in a Danish harbor or at a Danish roadstead repair of involved damages on the war vessel belonging to a belligerent power is only allowed when seaworthiness of the vessel absolutely demand it. All repair relating to the fighting capacity of the vessel is prohibited. The authorities concerned indicate which repairs to be accomplished and when completed the vessel leaves as soon as possible.

b. It is prohibited war vessels of belligerent powers to enter Danish harbors, roadsteads, or other Danish territorial waters in order to renew or increase their military equipment or ammunition supplies or to increase their crew.

c. It is prohibited war vessels of belligerent powers staying in Danish harbors or Danish roadsteads to take in provisions in greater quantities than required for the maintenance in time of peace.

A war vessel of a belligerent power is only allowed to take in fuel in quantities necessary to fill the real coal bunkers including fuel tanks. One and the same vessel is not allowed to take in fuel again in another Danish harbor or at another Danish roadstead earlier than three months after its coaling in similar harbor or roadstead.

6. a. When navigating in inner Danish waters, war vessels belonging to belligerent powers have to make use of the examined Danish state pilots according to the rules which in this respect are enforced upon war vessels during time of peace. Otherwise they are not allowed to make use of these pilots except in case of need to escape a threatening sea disaster.

b. Existing sanitary, pilot, custom, harbor, and police regulations are strictly to be observed.

2.

It is prohibited privateers to enter Danish harbors or to stay at Danish roadsteads or in other Danish territorial waters.

3.

1. It is prohibited to take captured vessels into Danish territorial waters or Danish harbors, except in the event of sea unworthiness, rough weather, or shortage of fuel or food. A captured vessel which has been brought into a Danish harbor or roadstead for one or more of named reasons must leave as soon as circumstances allow it.

2. It is prohibited belligerent powers to establish prize courts on Danish territory or on board vessels staying in Danish territorial waters. It is also prohibited to sell captured vessels in Danish harbors or at Danish roadsteads.

4.

1. It is prohibited belligerent powers to use Danish harbors or other Danish territorial waters as bases for engagements against the foe. It is also prohibited to erect radio-telegraph stations on Danish territory or in Danish territorial waters. The same applies to all other apparatus intended as means for communication between the fighting forces whether on land or on sea.

2. It is prohibited to organize fuel depots on Danish territory or on vessels staying in Danish territorial waters.

3. It is prohibited to equip or armor a vessel within Danish territory if the vessel is intended for cruising or for assistance in hostile actions against a power at peace with the Danish state. Even so are vessels which wholly or partly have been equipped or armored for war use by belligerent powers prohibited to leave the Danish territory.

This order is strictly to be followed by everybody concerned.

Given at the Royal Palace Amalienborg in Copenhagen on December 20, 1912.

Signed by our own hand and confirmed by our seal.

[L. S.]

CHRISTIAN R.

C. W. AHLEFELDT LAURVIG.

*Rules which during war between foreign powers have to be followed in order to protect Danish commerce and navigation.
August 6, 1914.*

[Lovtidende for Kongeriget Danmark, 1914, a, p. 685.]

We, Christian X, by grace of God King of Denmark, the Wends' and Goths' King, Duke of Sleswick, Holstein, Stormarn, Ditmarsk, Lauenburg, and Oldenburg, make known that in order to protect

the Danish commerce and navigation during a war between foreign powers it has pleased us to order as follows:

1.

In the event that a Danish merchant ship in open sea or in the territorial waters of one of the belligerent powers is stopped by an armed vessel belonging to one of the belligerent powers, it must without any objection whatever, on demand of the commander, show its papers, that is nationality and registration license (or in want of such, an interim nationality license given by a Danish consul), crew list, clearance papers, and bills of lading.

Neither before the visitation nor during it is it allowable to hide, throw overboard, or destroy papers regarding the ship or the cargo. No Danish ship is allowed to carry ship papers in duplicate or to fly other colors than the Danish.

Ships which, during the war or the last six months before its beginning, have carried the colors of one of the belligerent powers can not obtain interim nationality licenses without a special permission from the ministry of foreign affairs.

2.

Should a Danish ship during a stay in a foreign harbor be compelled to engage a foreign crew the preference must be given to subjects of neutral states. Any change in the crew and the reason must be recorded in the crew list in the way prescribed and the list then be presented to the Danish consul for his attestation. In the event there is no Danish consul, the attestation of the enlistment must be obtained from the authorities concerned, notary public or some other person which, according to existing rules of the place, enjoys official authenticity.

3.

It is prohibited the commander of the ship to sail for any harbor which is blockaded by one of the belligerent powers. As far as possible, he must ascertain if the harbor to which he intends to sail is free. If, by entering a harbor the blockade of which was unknown to him, he is stopped by a ship wearing the ensign (naval flag) of the concerned belligerent power, and it is made known to him by the commander that the harbor is blockaded, he must instantly leave the territory without trying secretly to enter the harbor.

By blockaded harbor is to be understood a harbor which is effectively blockaded, that is, by a force which actually is sufficient to cut off the entrance to the blockaded shore.

4.

As unconditional contraband, which may be confiscated by one of the belligerent powers when the goods direct or indirect are being brought to the territory of the other of the belligerent powers, or to any territory occupied by it, or to its military or naval forces, are considered :

1. Any kind of arms, including those for hunting, as well as their separate parts.
2. Shells, charges, and cartridges of every kind, as well as their separate parts.
3. Gunpowder and explosives especially made for warfare.
4. Gun carriages, ammunition boxes, mounts, wagons, field forges, and all their separate parts.
5. All articles of military uniform and equipment.
6. Military horse equipment of every kind.
7. All animals which may be used for riding, harness, or in any other way for war purposes.
8. Camping articles and their component parts.
9. Armor.
10. War vessels and small boats with their separate parts, which from their special character are capable of being used only on war vessels.
11. Instruments and apparatus exclusively intended for the preparing of ammunition, for the preparing and repairing of arms, and material of military use, both army and navy.

5.

As conditional contraband, which may be confiscated by one of the belligerent powers when the goods are being transported for the benefit of the other of the belligerent power's armed forces or administration, the latter case excepted when the goods actually can not be used during the war which is taking place, are considered :

1. Provisions.
2. Forage and food for animals.
3. Clothing and material for clothing, as well as foot gear capable of being used for war purposes.
4. Gold and silver in pieces and bars, as well as paper money (bank notes).
5. Vehicles of any kind capable of war use, as well as their separate parts.
6. Ships, vessels, and small boats of any kind, floating docks, contrivances for dry docks, and component parts.
7. Railway material, stationary as well as rolling; telegraph, radio, and telephone materials.
8. Aircraft of any kind, including aeroplanes, aerostats, balloons, and their component parts, as well as attachments, apparatus, and materials capable of being used in connection with aviation.

9. Fuel and lubricating substances.
10. Powder and explosive substances not used exclusively for war purposes.
11. Barbed wire as well as instruments for installing and cutting wire.
12. Horseshoes and blacksmiths' material.
13. Articles forming part of harness and saddle equipment.
14. Binoculars, telescopes, chronometers, and all kinds of nautical instruments.

The restriction mentioned above does not apply to point 4.

Should any changes or additions regarding contraband be found necessary the ministry of foreign affairs will make them known to the public after obtaining royal resolution.

6.

It is prohibited Danish vessels:

1. To sail with the special purpose to transport single persons which are enlisted in one of the belligerent power's armed forces or to carry news in the interest of any of the belligerent powers.
2. To transport a military detachment or subjects of belligerent powers which during the journey directly assist the operations of one of the belligerent powers.
3. To take part in the hostilities.
4. To be under command or control of an agent which has been placed on board by one of the belligerent powers.
5. To take time charter or in any other way wholly take charter for the use of one of the belligerent powers during the war.
6. Forcibly to resist against an entitled execution of the right of stopping, searching, and confiscating by armed vessels belonging to one of the belligerent powers.

7.

It is prohibited to equip or arm any ship on Danish territory intended for cruising or participation in the hostile operations against one of the belligerent powers.

8.

It is prohibited Danish subjects to equip or arm any vessel intended for prize seizing against one of the belligerent powers, their subjects, or property, or to participate in the furnishing or arming of such vessel.

It is also prohibited Danish subjects to serve on a prize-seizing vessel.

9.

Should a Danish vessel be arrested the commander of this vessel must give to the consul in the harbor whereto the vessel is brought or, in want of such, to the nearest Danish consul, a full

and duly confirmed information of all circumstances regarding the arrest.

If any commander thinks himself entitled to complain of the treatment that has been accorded him he must as soon as possible hand his statement to the ministry of foreign affairs or to a Danish royal legation or consulate.

10.

These regulations are put into force at once and are to be observed by all concerned.

Given at Amalienborg, August 6, 1914.

CHRISTIAN R.
ERIK SCAVENTIUS.

[L. S.]

ECUADOR.*Neutrality proclamation, August 17, 1914.*

LEONIDAS PLAZA G., CONSTITUTIONAL PRESIDENT OF THE REPUBLIC.

Considering:

1st. That between Germany and Austria, on one side, and France, Great Britain, and Russia, on the other, there exists at present a state of war, and that this conflagration has extended itself, and may further extend itself to other nations;

2d. That Ecuador has always maintained good relations of friendship with the belligerent nations, and that it desires to continue in them; and

3d. That it is a duty of the Government to employ adequate means to guard over the national interests which may be affected by the present war;

Decrees:

The Republic of Ecuador shall observe the strictest neutrality in the above-mentioned war, conforming itself to the convention of The Hague of the 18th of October, 1907, which established the rights and duties of neutrals, and to the general principles of international law on such matters.

At the National Palace, in Quito, the 17th of August, 1914.

LEONIDAS PLAZA G.

The Minister of Foreign Affairs: R. H. ELIZALDE.

Decree relating to the departure of merchant vessels, November 28th, 1914.

LEONIDAS PLAZA G., CONSTITUTIONAL PRESIDENT OF THE REPUBLIC.

Considering:

That it is necessary to take every measure that may conduce to the strict maintenance of the international neutrality proclaimed

with the decree of the 17th of August of the present year and in virtue of the authority which international law gives us;

Decrees:

To the rules of the Convention of The Hague, to which the Government of Ecuador has resolved to conform, are added the following:

1st. No merchant ship, no matter what be its nationality nor whether it belongs to a belligerent country or not, shall be allowed to leave an Ecuadorian port unless the authorities of the port have previously obtained from the consul of the nationality to which the ship belongs, a written certificate indicating the next port at which the ship will stop, as also its final destination, and stating that the ship's voyage is for commercial purposes only;

2d. Whenever a case should arise in which a merchant ship had left or intended to leave an Ecuadorian port, and should have been an unusual time on its voyage to the port of its destination or should have taken an unusual route, or were not to have taken the direction stated by the consul; or, finally, should it, before reaching port, have changed its cargo, such a ship shall be regarded as suspicious and on its next arrival at an Ecuadorian port may be detained by the Ecuadorian naval authorities and is liable to be considered as part of the belligerent forces of the Nation to which it belongs and to be treated as such.

The Ministers of Foreign Affairs, War, and Marine, respectively, shall take charge of the enforcement of the above decree.

At the National Palace, in Quito, the 28th of November, 1914.

LEONIDAS PLAZA G.

The minister of Foreign Affairs: R. H. ELIZALDE.

The Minister of Finance charged with the Portfolio of War and Marine: AUGUSTIN CABEZAS G.

GUATEMALA.

Declaration of neutrality, decree No. 718, August 12, 1914.

[El Guatemalteco, Official Gazette. Guatemala, Thursday, Aug. 13, 1914.]

MANUEL ESTRADA CARRERA, Constitutional President of the Republic of Guatemala.

Whereas a state of war has been declared between several European nations, with which Guatemala maintains cordial relations;

Therefore, in a cabinet meeting, decrees:

ARTICLE 1. The Republic is declared neutral in the present European conflict.

ART. 2. The authorities and inhabitants of the Republic will comply with the conventions regarding the rights and duties of neutral powers and persons in the case of war on land and the rights and duties of neutral powers in the case of war on sea. signed at The Hague, October 18, 1907.

Let it be communicated and published.

Neutrality Declaration, Hayti.

Done at the National Palace of Guatemala, this 12th day of the month of August, of the year 1914.

MANUEL ESTRADA C.

The Secretary of State in the Department of Government and Justice:

J. M. REINA ANDRADE.

The Secretary of State in the Department of War:

LUIS OVALLE.

The Secretary of State in the Department of Public Education:

J. ED. GIBÓN.

For the Secretary of State in the Department of Finance:

JOAQUIN TORRES, *Under Secretary.*

For the Secretary of State in the Department of Public Works:

JOSE V. MEJIA, *Under Secretary.*

The Secretary of State in the Department of Foreign Affairs:

LUIS TOLEDO HERRARTE.

Neutrality decree, September 1, 1914, referring to Government decree No. 718 of August 12, 1914.

[El Guatemalteco, Official Gazette. Guatemala, Wednesday, Sept. 2, 1914.]

PALACE OF THE EXECUTIVE POWER,

Guatemala, September 1, 1914.

The Government of the Republic having issued decree No. 718 of August 12 last, by which the neutrality of Guatemala is declared in the present war between several European nations; and

Whereas, it becomes necessary to take indispensable precautions to make neutrality effective regarding wireless communication in merchant vessels of belligerents in Guatemalan waters;

Therefore, the Constitutional President of the Republic, in order to execute the above-mentioned resolution, decrees:

That from this date all merchant vessels of the belligerent nations when in the territorial waters of Guatemala or upon entering into them shall dismantle their wireless installations during such time as they shall remain in these waters. Vessels not complying with these regulations shall be considered as armed ships, and orders shall be given them to leave Guatemalan waters in conformity to Convention No. 13 of The Hague, 1907.

Let it be communicated.

ESTRADA C.

The Secretary of State in the Department of Foreign Affairs:

LUIS TOLEDO HERRARTE.

HAYTI.

Declaration of neutrality, August 7, 1914.

[Rev. Gén., Doc. 22: 177.]

War having unfortunately been declared between various powers of Europe with which the Republic of Hayti is at peace, the Government is under a duty to enforce the strictest neutrality during the entire duration of the conflict.

Conformably to the general principles of the law of nations, it is recommended to Haytians and to the nationals of powers at war not to commit on the national territory and surrounding maritime waters any act violating the neutrality of the Republic.

It is especially forbidden to make any demonstration in favor of or against one of the belligerents, to open recruiting stations, to arm vessels of war, or to furnish or aid in furnishing any means of war to any of the belligerents, under penalty of the laws.

Port au Prince, August 7, 1914.

ENOCH DESERT.

HONDURAS.

Declaration of neutrality, decree No. 38, October 5, 1914.

FRANCISCO BERTRAND, CONSTITUTIONAL PRESIDENT OF THE REPUBLIC
OF HONDURAS.

Considering that he has been notified of the state of war declared between Germany, Austria-Hungary, Serbia, France, Great Britain, and Russia, European nations with which Honduras maintains friendly relations, and that the Government of this Republic has been requested by Great Britain to observe the laws of neutrality;

Therefore, in cabinet of ministers, decrees:

ARTICLE 1. The neutrality of Honduras is declared in the present European conflict.

ART. 2. The national authorities shall observe and cause to be observed the principles and rules concerning the rights and duties of the neutral powers and persons in case of war by land and sea, established by the Hague Conventions of October 8, 1907.

Done in Tegucigalpa, in the Executive Palace, the 5th day of October of 1914.

F. BERTRAND.

The Secretary of State in the Department of Foreign Affairs and Public Instruction:

MARIANO VASQUEZ.

The Secretary of State in the Department of Interior and Justice, acting:

FROYLAN TURCIOS.

The Secretary of State in the Department of Hacienda and Public Credit:

LEOPOLDO CORDOVA.

The Secretary of State in the Department of War and Navy:

FRANCISCO J. MEJIA.

The Secretary of State in the Department of Fomento, Public Works, and Agriculture, acting:

MANUEL S. LOPEZ.

Neutrality Declaration, Italy.

Note of the minister of foreign affairs on the maintenance of neutrality, December 3, 1914.

MINISTRY OF FOREIGN AFFAIRS,
Tegucigalpa, December 3, 1914.

MR. MINISTER: Replying to your excellency's note dated the 1st of this month, in which you ask for information concerning any documents, decrees, proclamations, or declarations of orders which may have been issued by this Government in connection with the European war, I have the honor to remit to your excellency a copy of the executive decree dated October 5, this year, in which the neutrality of Honduras is declared in the European conflict and in which the national authorities are ordered to observe and cause to be observed the principles and rules concerning the rights and duties of neutral powers and individuals in case of war by land and sea, as established by the Hague Conventions of October 18, 1907.

For the strict observance of this decree, the text of the articles of the Hague Convention have been sent to the minister of war and navy in order that he in turn may transmit them to the military authorities of the ports of this Republic.

My Government, although it has not signed the Hague Conventions, believes that there is no reason why it should not adopt the rules laid down in them covering the principles of neutrality as established by international law.

I avail myself of this opportunity to repeat to your excellency the assurances of my distinguished consideration.

MARIANO VASQUEZ.

His Excellency JOHN EWING,
*Envoy Extraordinary and Minister Plenipotentiary,
of the United States of America.*

ITALY.

Declaration of neutrality, August 3, 1914.

[Gazzetta Ufficiale 4 Agosto, n. 185 (1914).]

Certain powers of Europe being in a state of war while Italy is in a state of peace with all the belligerent powers, the Government of the King and the citizens and subjects of the Kingdom are under the obligation of observing the duties of neutrality according to the laws in force and the principles of international law.

Whoever violates these duties will undergo the consequences of his own act and will incur, according to the circumstances, the penalties declared by the laws.

ROME, August 3, 1914.

NETHERLANDS.

Note addressed to the Belgian Government to announce that the Netherlands may be obliged to institute war buoying on the Scheldt. August 3, 1914.

[Belgian Gray Book Annex to No. 29, reprinted in British Parl. Pap. Misc. No. 12, 1914, p. 27.]

The Netherlands Government may be compelled, in order to maintain the neutrality of Dutch territory, to institute war buoying upon the Scheldt, that is to say, to move or modify a portion of the actual arrangement of buoys and lights.

At the same time this special arrangement of buoys has been so drawn up that when it is brought into force it will still be possible to sail up the Scheldt as far as Antwerp by day, but only with Dutch pilots who have been furnished with the necessary nautical instructions. In thus acting the Netherlands Government are convinced that they will be able to serve equally both the Dutch interests in the defense of Netherlands territory and Belgian interests in the navigation of Antwerp.

After the establishment of war buoying on the Scheldt, there would be no further reason to enter the tidal water of Flushing at night, and as the presence of the lightships *Wielingen* and *Wandelaar* is not indispensable to navigation by day the Netherlands Government would be much obliged if the Belgian Government would be good enough, in the event of the establishment of war buoying, to withdraw these boats in order to facilitate the maintenance of the neutrality of Dutch territory.

*Declaration of the neutrality of Netherlands in the European war.
August 5, 1914.*

[Staatscourant, Special Number, Aug. 5, 1914; Belgian Grey Book, Annex to No. 53, reprinted in British Parl. Pap., Misc. No. 12, 1914, p. 46.]

The ministers of foreign affairs, justice, marine, war, and the colonies, authorized to that effect by Her Majesty the Queen, make known to all whom it may concern that the Netherlands Government will observe strict neutrality in the war which has broken out between Great Britain and Germany and Belgium and Germany, powers friendly to the Netherlands, and that, with a view to the observance of this neutrality, the following dispositions have been taken:

ARTICLE 1. Within the limits of the territory of the State, including the territory of the Kingdom in Europe and the colonies and possessions in other parts of the world, no hostilities of any kind are permitted, neither may this territory serve as a base for hostile operations.

ART. 2. Neither the occupation of any part of the territory of the State by a belligerent nor the passage across this territory by

land is permitted to the troops or convoys of munitions belonging to the belligerents, nor is the passage across the territory situated within the territorial waters of the Netherlands by the warships or ships assimilated thereto of the belligerents permitted.

ART. 3. Troops or soldiers belonging to the belligerents or destined for them arriving in the territory of the State by land will be immediately disarmed and interned until the termination of the war.

Warships or ships assimilated thereto belonging to a belligerent who contravenes the provisions of articles 2, 4, or 7 will not be permitted to leave the said territory until the end of the war.

ART. 4. No warships or ships assimilated thereto belonging to any of the belligerents shall have access to the said territory.

ART. 5. The provisions of article 4 do not apply to:

1. Warships or ships assimilated thereto which are forced to enter the ports or roadsteads of the State on account of damages or the state of the sea. Such ships may leave the said ports or roadsteads as soon as the circumstances which have driven them to take shelter there shall have ceased to exist.

2. Warships or ships assimilated thereto belonging to a belligerent which anchor in a port or roadstead in the colonies or overseas possessions exclusively with the object of completing their provision of foodstuffs or fuel. These ships must leave as soon as the circumstances which have forced them to anchor shall have ceased to exist, subject to the condition that their stay in the roadstead or port shall not exceed 24 hours.

3. Warships or ships assimilated thereto belonging to a belligerent employed exclusively on a religious, scientific, or humanitarian mission.

ART. 6. Warships or ships assimilated thereto belonging to a belligerent may only execute such repairs in the ports and roadsteads of the State as are indispensable to their seaworthiness, and they may in no way increase their fighting capacities.

ART. 7. Warships or ships assimilated thereto belonging to a belligerent who may at the commencement of war be within the territory of the State must leave within 24 hours from the moment of the publication of this declaration.

ART. 8. If warships or ships assimilated thereto belonging to different belligerent and find themselves at the same time, in the conditions set forth in article 5, in the same part of the world and within the territory of the State, a delay of at least 24 hours must elapse between the departure of each respective belligerent ship. Except in special circumstances, the order of departure shall be determined by the order of arrival. A warship or ship assimilated thereto belonging to a belligerent may only leave the territory of the State 24 hours after the departure of a merchant ship which flies the flag of another belligerent.

ART. 9. Warships or ships assimilated thereto belonging to a belligerent to which articles 5 and 7 are applicable may only be provisioned with foodstuffs in the ports and roadsteads of the

country to the extent necessary to bring their provisions up to the normal limit in time of peace.

Similarly they can only be supplied with fuel to the extent necessary to enable them, with the stock they already have on board, to reach the nearest port of their own country.

The same vessel can not again be provided with fuel until a period of at least three months shall have elapsed since it was last provisioned in the territory of the State.

ART. 10. A prize may only be brought into Dutch territory if such prize is unnavigable, or unseaworthy, or short of fuel or foodstuffs.

Such prize must leave as soon as the reasons which caused her to enter Dutch territory cease to exist.

Should such prize fall to do so, immediate orders shall be given her to leave. In the event of a refusal, all possible means shall be employed to liberate the prize, with her officers and crew, and to intern the crew placed on board by the belligerent who has taken it as prize.

ART. 11. It is forbidden, in State territory, to form a corps of combatants or to open recruiting offices on behalf of the belligerents.

ART. 12. It is forbidden, in State territory, to take service on board warships or ships assimilated thereto.

ART. 13. It is forbidden, in State territory, to equip, arm, or man vessels intended for military purposes on behalf of a belligerent, or to furnish or deliver such vessels to a belligerent.

ART. 14. It is forbidden, in State territory to supply arms or ammunition to warships or ships assimilated thereto belonging to a belligerent, or to come to their assistance in any manner whatsoever with a view to augment their crew or their equipment.

ART. 15. It is forbidden in State territory failing previous authorization by the competent local authorities, to repair warships or ships assimilated thereto belonging to a belligerent, or to supply them with victuals or fuel.

ART. 16. It is forbidden in State territory to take part in the dismantling or repairing of prizes, except in so far as is necessary to make them seaworthy; also to purchase prizes or confiscated goods, and to receive them in exchange, in gift, or on deposit.

ART. 17. The State territory comprises the coastal waters to a distance of 3 nautical miles, reckoning 60 to the degree of latitude, from low-water mark.

As regards inlets, this distance of 3 nautical miles is measured from a straight line drawn across the inlet at the point nearest the entrance where the mouth of the inlet is not wider than 10 nautical miles, reckoning 60 to the degree of latitude.

ART. 18. Further, attention is called to articles 100, section 1, and 205 of the Penal Code; "Indisch Staatsblad," 1905, No. 62; article 7, section 4, of the law respecting the status of Nether-

lands nationality and respecting domicile ("Nederlandsch Staatsblad," 1892, No. 268; 1910, No. 216); article 2, No. 3, of the law respecting the status of Netherlands nationality ("Nederlandsch Staatsblad," 1910, No. 55; "Indisch Staatsblad," 1910, No. 296; articles 54 and 55 of the Penal Code of Surinam; articles 54 and 55 of the Penal Code of Curaçao).

Similarly, the attention of commanding officers, owners, and charterers of ships is called to the dangers and inconveniences to which they would expose themselves by disregarding the effective blockade of belligerents, by carrying contraband of war, or military dispatches for belligerents (except in the course of the regular postal service), or by rendering them other transport services.

Any person guilty of the acts aforesaid would expose himself to all the consequences of those acts and would not be able, as regards them, to obtain any protection or intervention on the part of the Netherlands Government.

NICARAGUA.

Neutrality circular, December 5, 1914.

To correspond with the action of foreign countries who are on friendly terms with the Republic, and with the object of preventing difficulties, by rendering more efficacious the observance of the neutrality of Nicaragua in the present European conflict, according to the instructions of the President of the Republic and in his name, I confirm to you the former dispositions in this regard, and furthermore, I inform you that you can make use of this note, as soon as an occasion presents itself, in the following form:

First, all commercial vessels of the belligerent nations that meet in, or arrive at, the ports of the Republic and that possess stations of wireless telegraphy, shall keep one flag hoisted while they remain in a Nicaraguan port.

Second, mercantile vessels not belonging to countries at war and which have wireless apparatus shall not use this until after their departure from the ports of the Republic.

Third, it is absolutely prohibited for the submarine cable at San Juan del Sur and for the telegraphic office on the island of Bluefields to transmit, directly or indirectly, for either of the belligerent nations, messages in code, or with incomplete address or signature, or messages which contain military information or data, or that in any manner compromise the neutrality of Nicaragua; the superior administrative authorities of the port shall permit the transmission of those dispatches which they consider not to be subject to censorial rules.

Fourth, mercantile vessels of any nationality that arrive at Nicaraguan ports under suspicious circumstances, such as having

made false statements regarding their destination when sailing from a port of the Republic on a former occasion; being known, by official notice, to have supplied fuel or provisions to war vessels of belligerents; having employed an excessive length of time in their voyage; being painted with colors peculiar to war vessels or with similarly distinctive signs, shall be interned in their respective ports, the respective authorities of which shall immediately inform the Office of Foreign Affairs of the necessary ulterior measures.

Hoping that you will acknowledge receipt of this dispatch and see that it is put into effect,

I remain, your attentive servant,

CHAMORRO.

PERSIA.

Proclamation of neutrality, November 1, 1914, by His Majesty Ahmed Schah, at the opening of the Persian Parliament.

[Rev. Gén., Doc. 22 : 180.]

God is Sovereign. We, Sultan Ahmed Schah, Emperor and son of the Emperor of Persia.

In consideration of the hostilities, unfortunately being carried on at this moment in Europe; noticing the adjacency of our frontiers to the theater of war; in view of the relations of friendship happily existing between us and the belligerent powers: In order to make known to our people our sacred intention to safeguard these good relations with the States at war.

Command His Highness Mastafi-el-Mamalek, our illustrious president of the council and minister of interior, to bring this imperial firman (decree) to the knowledge of all the governors-general, generals, and functionaries of our Empire and to inform them that our Government in the actual circumstances has adopted the strictest neutrality. He will publish in addition that we have decided to maintain, as in the past, our amicable relations with the belligerent countries. In consequence, it is notified to the functionaries of our Government that it is their duty to commit no act on land or sea, either for or against the belligerent States. They are enjoined to furnish them with neither arms nor munitions. They should avoid taking part with any of the countries at war and will be bound to make the strictest neutrality of Persia respected. We reserve it to ourselves to command the execution of other measures which our Government may judge necessary to propose to us and which will be of a nature to assure the maintenance of our neutrality and of our good relations with all the countries.

SALVADOR.*Note explaining attitude of neutrality, December 4, 1914.*[Libro Rosado de El Salvador, Año VI, Nos. X, XI y XII, Octubre-
Noviembre-Diciembre, 1914, pp. 77-78.]

SAN SALVADOR, 4th of December, 1914.

MR. MINISTER: I have the honor to acknowledge receipt of Your Excellency's courteous note, dated the first of this month, in which, acting on instructions from the Department of State in Washington, you ask me to deliver to the legation under the worthy direction of Your Excellency, a complete collection of all public documents, decrees, proclamations, declarations, and orders relative to the present European war which have been issued by the Government of this Republic.

In answer I wish to state to Your Excellency that my Government has not issued any publication, proclamation, declaration, or decrees whatever regarding the European conflict. Its action has been limited to giving instructions to the maritime officials of our ports in order that they may maintain the greatest vigilance in regard to the use of stations of wireless telegraphy by belligerent vessels coming into its waters.

Besides this, my Government has merely addressed to its diplomatic representative accredited to the Department of State in Washington a note dated November 16th last, in reply to the inquiry made to this Government through the agency of the Department, by Count von Bernstorff, Ambassador of Germany near Your Excellency's Government, to the effect that there be laid before him a copy of the proclamation of neutrality by Salvador in the European conflict. In this note of reply this chancery indicated the following to its diplomatic representative in Washington, in order that thus he should bring it to the knowledge of the Ambassador of Germany and of any other legation of the neutral or belligerent countries which might interrogate him in regard to the same question:

"The use of proclamations of neutrality was introduced when international law had not as yet determined with precision the principles by which the rights and obligations that a state of war creates between neutrals and belligerents were to be governed. Since then it has been observed in cases where a neutral had either a very active commerce with the belligerents or frontiers in common with them; or in cases where warlike supplies may be furnished or when a neutral owned a commercial fleet which might be affected in its communication with belligerents. Our country does not find itself in any of these situations in the present war; and as the state of neutrality and the relations which it establishes are legal conditions which arise from the war itself and from the international principles by which it is regulated, Salvador, by its neutral character, is obliged

strictly to observe these principles of neutrality, principles which this country does not need to promulgate in the form of a proclamation; all such principles are amply expounded in the fourteen diplomatic conventions subscribed to in the Second Conference of The Hague in 1907 and in the Naval Convention of London, the 26th of February, 1909. Consequently Salvador's line of conduct as a neutral country is clearly marked out in the above-mentioned treaties of The Hague and in the Convention of London. For this reason you will please convey to His Excellency the Ambassador of Germany, and to whatever other diplomatic agent should ask information of you on this subject, that the Government of Salvador has decided to preserve intact the principles and rules of the above-mentioned treaties, in conformity with its character as a neutral country, in the present European conflict, though it has not thought necessary to make a proclamation expressly to this effect."

I take this occasion to convey to Your Excellency the expression of my highest and most distinguished consideration.

FRANCISCO MARTINEZ S.

To His Excellency the Honorable Boaz W. Long, Minister Plenipotentiary of the United States of North America.

SIAM.

Declaration of neutrality, August 6, 1914.

By command of His Majesty the King Maha Vajiravudh Phra Mongkut Klao.

To all to whom these presents shall come, *know ye*:

Whereas the III Convention of The Hague, 18th October, 1907, relative to the opening of hostilities, article 2 says: "The existence of the state of war must be notified to the neutral powers without delay, and shall not take effect in regard to them until after the receipt of the notification, which may, however, be given by telegraph. Neutral powers, nevertheless, can not rely on the absence of notification if it is clearly established that they were in fact aware of the existence of a state of war;" and

Whereas a state of war now exists in Austria-Hungary, France, Germany, Great Britain, Russia, and Servia; and

Whereas we are happily at peace and on terms of friendship with each of these sovereigns and chiefs of state and with their respective subjects and the inhabitants of their respective dominions; and

Whereas we desire that our subjects shall continue to enjoy, and shall be secured in the enjoyment of, the infinite blessings of peace; to which end we are determined to maintain a strict and impartial neutrality in the state of war above mentioned;

Now, therefore, we do issue this our royal proclamation, and we do hereby order and command all our subjects to observe

strict and impartial neutrality in and during the said war, and to observe the laws of this Kingdom, her treaty engagements, and the law of nations in that behalf.

Given at our court at Nagara Pathom on this 6th day of August, 2457, year of our lord Buddha, and in the fifth year of our reign (August 6, 1914).

SPAIN.

Declaration of neutrality, August 7, 1914.¹

[Gaceta de Madrid, August 7, 1914 ; 155 Boletín de Legislación, 1914, 132.]

War having unfortunately been declared between Germany on the one hand and Russia, France, and the United Kingdom of Great Britain and Ireland on the other, and the state of war existing in Austria-Hungary and in Belgium, it is the duty of his majesty's Government to prescribe to Spanish subjects the strictest neutrality in conformity with the laws in force and the principles of public international law.

In consequence, Spaniards residing in Spain and abroad who carry out any hostile act regarded as contrary to the strictest neutrality will lose all right to the protection of his majesty's Government and will undergo the consequences of any measures which the belligerents may establish, and that without prejudice to the penalties which they will incur according to the Spanish laws.

Agents, national or foreign, who, in Spanish territory, are employed or aiding in recruiting soldiers for any of the belligerent armies or navies, will in addition be subjected to the application of article 150 of the penal code.²

SWITZERLAND.

Ordinance forbidding the installation and utilization of radio-telegraph stations. August 2, 1914.

[Bundesgesetze und Verordnungen 1914, 30 : 351.]

The Swiss Federal Council, on the proposal of its military department, orders :

ARTICLE 1. The creation of new radio stations is forbidden on all territory of the Swiss Confederation.

¹ Similar declarations, in reference to war between Austria and Servia, July 30, 1914 ; Austria and Montenegro, August 14, 1914 ; Austria and Russia, France and Great Britain, August 16, 1914 ; Germany and Japan, August 26, 1914 ; Austria and Belgium, September 1, 1914 ; Turkey and Russia, France, and Great Britain, November 10, 1914 ; Italy and Austria, May 29, 1915 ; Italy and Turkey, August 25, 1915, etc.

² A decree of November 23, 1914, declared XIII Hague Convention, 1907, concerning the rights and duties of neutral powers in naval war, operative. (155 Boletín de Legislación, 1914, 75.)

ART. 2. The utilization of radio stations which already exist and have obtained a concession is forbidden. The organs of the telegraph and telephone administration will render the stations incapable of use without delay by removing the receiving apparatus, if there is any, or the parts indispensable for their use. The parts of the apparatus removed are to be preserved by the telegraph and telephone administration.

ART. 3. There are not included in this prohibition stations established by the telegraph and telephone administration, or those which have been established for the needs of the army.

ART. 4. Violations of the present provisions, if there has been a reception or sending of news of any nature whatever, will be proceeded against according to the penal provisions established against those who spread, intentionally or by negligence, news of a military nature. If there has been only the illegal establishment of a station or the maintenance of an existing station, of which it has not been proved that it has been used, the penalty will consist in a fine and the station will be immediately closed. If there is reason to suspect that the station is intended to be used as a means of information for the benefit of a foreign State, proceedings for espionage will be commenced.

The present ordinance comes into force immediately.

Berne, August 2, 1914.

In the name of the Swiss Confederation,

The President of the Confederation: **HOFFMANN.**

The Chancellor of the Confederation: **SCHATZMANN.**

Federal order on the measures appropriate for assuring the security of the country and the maintenance of its neutrality. August 3, 1914.

[Bundesgesetze und Verordnungen, 1914, 30 : 347.]

The Federal Assembly of the Swiss Confederation, in view of the message of the Federal Council of August 2, 1914, *orders:*

ARTICLE 1. The Swiss Confederation declares its firm desire to maintain its neutrality in the imminent war. The Federal Council is authorized, in any manner that it deems convenient, to bring this declaration of neutrality to the knowledge of the belligerent parties and of the powers who have recognized the neutrality of Switzerland and the inviolability of its territory.

ART. 2. The Federal Assembly approves the general mobilization decreed by the Federal Council and the decision concerning the legal time of bank notes.

ART. 3. The Federal Assembly gives unlimited power to the Federal Council to take all measures necessary for the security, the integrity, and the neutrality of Switzerland, to safeguard the credit and the economic interests of the country, and in especially to insure the public food supply.

ART. 4. To this effect, there is open to the Federal Council an unlimited credit. Authorization in especial is given it to contract the necessary loans.

ART. 5. The Federal Council will render an account to the Federal Assembly in its next session of the use which it has made of the unlimited credit which has been accorded it.

ART. 6. The present order, which is declared urgent, comes immediately into force.

Thus ordered by the National Council.

Berne, August 3, 1914.

President: DR A. V. PLANTA.

Secretary: SCHATZMANN.

Thus ordered by the Council of States.

Berne, August 3, 1914.

Vice President: GEEL.

Secretary: DAVID.

The Federal Council, orders:

The Federal order above will be executed.

Berne, August 3, 1914.

In the name of the Swiss Federal Council.

President of the Confederation: HOFFMANN.

Chancellor of the Confederation: SCHATZMANN.

Declaration of neutrality, August 4, 1914.

[Bundesgesetze und Verordnungen 1914, 30:361.]

(This declaration has been communicated officially to the States which recognized the inviolability and the neutrality of Switzerland in 1815, as well as to some other Governments.)

The Swiss Federal Council has decided to make the following declaration of neutrality:

By reason of the war which has just been declared between several European powers, the Swiss Confederation, inspired by its ancient traditions, has voluntarily determined to depart in no respect from the principles of neutrality so dear to the Swiss people, which correspond so well to its aspirations, to its internal organization, to its situation relative to the other States, and to the principles which the powers signatory of the treaties of 1815 have formally recognized.

By virtue of the special mandate which has just been bestowed upon us by the Federal Assembly, the Federal Council formally declares that during the war which is beginning the Swiss Confederation will maintain and defend by all the means at its disposal its neutrality and the inviolability of its territory as recognized by the treaties of 1815; it will itself observe the strictest neutrality toward the belligerent States.

Relative to the parts of Savoy, which by the terms of the declaration of the powers of March 29, 1815,¹ of the final act of

¹ Marten's, N. R. 2:177, Hertslet, Map of Europe by Treaty, 1:70.

the Congress of Vienna of June 9, 1815,¹ of the act of accession by the Swiss Diet of August 12, 1815,² of the treaty of Paris of November 20, 1815,³ and of the act of recognition and of guarantee of Swiss neutrality of the same date,⁴ should enjoy neutrality in the same manner as Switzerland; these dispositions having been confirmed by France and Sardinia by article 2 of the treaty of Turin of March 24, 1860,⁵ the Federal Council believes that it ought to call to mind that Switzerland has the right to occupy this territory. The Federal Council will make use of this right if the circumstances appear to demand it for the defense of the neutrality and of the integrity of the territory of the Confederation. At the same time it will not fail scrupulously to respect the restrictions which the treaties attach to the exercise of the right in question; especially in reference to the administration of this territory it will be obliged to confer with the Government of the French Republic.

The Federal Council has the firm conviction that the present declaration will be favorably received by the belligerent powers as well as by the third States, signatory to the treaty of 1815, as the expression of the traditional attachment of the Swiss people to the idea of neutrality and as the loyal affirmation of the consequences resulting for the Swiss Confederation from the treaties of 1815.

German reply to the notification of the neutrality of Switzerland.
August 5, 1914.

[Rev. Gén. Doc. 22 : 189.]

The Government has had the honor to receive the circular note addressed the 4th of August of this year to the powers signatory to the treaties of 1815 in which the Federal council declares that during the actual war the Swiss Confederation will maintain and defend by all means at its disposal its neutrality and the inviolability of its territory. The Imperial Government has taken cognizance of this declaration with a sincere satisfaction and it has confidence that the Confederation, by virtue of its strong army and of the firm will of the entire Swiss people, will repulse all violations of its neutrality.

Ordinance concerning the maintenance of the neutrality of Switzerland. August 4, 1914.

[Bundesgesetze und Verordnungen, 1914, 30 : 353.]

The Swiss Federal Council.

In order to prevent all acts or omissions not compatible with the neutral position of Switzerland;

¹ Martens, N. R. 2 : 379, Hertslet, op. cit., 1 : 208.

² Martens, N. R. 4 : 184.

³ Martens, N. R. 2 : 682, Hertslet, op. cit., 1 : 342.

⁴ Martens, N. R. 2 : 740, 4 : 186, Hertslet, op. cit., 1 : 370.

⁵ Martens, N. R. G., pt. 2, 16 : 539, Hertslet, op. cit., 2 : 1429.

Basing its action on article 102, paragraph 9, of the Federal constitution; on articles 30, 40, and 41 of the Federal Penal Code of February 4, 1853, as well as on the provisions of the international convention of The Hague, October 18, 1907, concerning the rights and duties of neutral powers and persons in case of war on land;

Order the following prescriptions, to which each will conform himself:

1. The strictest impartiality will be observed in reference to all the belligerents; consequently all must abstain from every act favoring any one of them.

2. No hostile act against any of the belligerents may be undertaken, supported, or aided in any manner whatsoever upon Swiss territory or prepared thereon.

3. Pacific relations ought to be assured, so far as possible, under reserve of the following dispositions and of the special prescriptions for the authorities and commanders of the troops.

4. Every attempt on the part of regular or volunteer troops of the belligerent parties to penetrate into Swiss territory or to cross it in bodies or individually should be immediately brought to the knowledge of the commander of troops and of the nearest police authority.

5. Military foreigners who may be met individually on the neutral territory will be arrested by the troops or, if necessary, by the police; civilians suspected of abusing neutral territory under evident pretexts will be treated in the same manner.

6. The authorization to permit the wounded and sick belonging to the belligerent armies to pass into our territory should be asked of the commander in chief. As to the personnel and material of all kinds accompanying convoys, it is referred to the prescriptions for the commander of troops (decision of the Federal Council, Dec. 21, 1912) concerning the maintenance of neutrality.

7. In case of attempts by one of the belligerent parties to send through our territory transports of military material, no matter of what kind, especially transports of arms, munitions, and provisions, the commander of troops and the nearest police authority should be immediately informed. The objects in question will be seized by the authorities.

8. There is forbidden and ought to be stopped:

- (a) The exportation of arms and munitions and of all military material into the adjacent belligerent states and also all collecting of objects of this nature near the contiguous frontier. In case of acts of war near the frontier, the commander of the army can further restrain or suppress entirely this frontier traffic.

- (b) The purchase and generally the acceptance of arms, of military material, and of articles of equipment carried into Swiss territory by deserters. The articles indicated under (a) and (b) will be seized even if they are found in the possession of third persons.

9. If isolated military persons of the belligerent armies or escaped prisoners of war seek refuge in our territory, they can be admitted until further notice. They will be disarmed and put at the disposition of the military authorities, in the same manner as prisoners of war brought in by troops seeking refuge on our territory.

10. Passage on Swiss territory will be permitted to persons not of a character to be suspected, to women, to children, to old men, as well as to persons who, before the war, had a domicile in Switzerland or own land in it.

11. Persons who do not conduct themselves conformably to the rules of neutrality can be transferred to the interior of the country. If foreigners, they expose themselves to expulsion.

12. Corps of combatants can not be formed nor recruiting bureaux opened on Swiss territory to the advantage of belligerents. The existence of bureaux of information or recruiting for soldiers or volunteers for the belligerent armies should be notified to the Federal council.

13. The inhabitants of foreign states who wish to go individually, without arms or uniforms and without being organized in groups, into the territory of belligerent states directly or indirectly from Switzerland or by Switzerland will not be prevented from passing beyond the frontier until further notice.

14. It is absolutely forbidden to the belligerent parties to establish or use on Swiss territory a radio station or any other installation (telephone, telegraph, signal station, optical or other, carrier pigeon station, aviation station, etc.), designed to serve as a means of communication with the belligerent forces on land or sea or to offer facilities for the same in any manner whatsoever.

15. The bureaux of telegraphs, telephones, postal service, and customs will receive for their administration, instructions as to the attitude which they are to observe. The use of the posts, telegraph, and telephone for military purposes, will take precedence of all other employments, except urgent communications of the Federal council and of the political and military departments.

16. The railroads will observe the prescriptions relative to their use in case of war as well as their other special instructions.

17. As to aviation, attention will be given to what follows:

(a) Balloons and air craft not belonging to the Swiss Army can not rise and navigate in the aerial space situated above our territory unless the persons ascending in the apparatus are furnished with a special authorization, delivered in the territory occupied by the army, by the commander of the army; in the rest of the country, by the Federal military department.

(b) The passage of all balloons and air craft coming from abroad into our aerial space is forbidden. It will be opposed if necessary by all available means and these air craft will be controlled whenever that appears advantageous.

(c) In case of the landing of foreign balloons or air craft, their passengers will be conducted to the nearest superior military

commander who will act according to his instructions. The apparatus and the articles which it contains ought, in any case, to be seized by the military authorities or the police. The Federal military department or the commander of the army will decide what ought to be done with the personnel and matériel of a balloon or air craft coming into our territory through *force majeure* and when there appears to be no reprehensible intention or negligence.

18. The personnel of the frontier guard and of the police stationed at the frontier can be placed under the orders of the chief military officer commanding the troops occupying the frontier. In cases where this personnel remains independent, it will nevertheless be under the duty of assisting the troops in their tasks in the same manner as the troops protect and offer assistance to the police and frontier guards in case of need. The troops have, moreover, the same duties in reference to all persons exercising an official function in the territory occupied by the army, especially in reference to the personnel of public undertakings, transports, customs, sanitary, and veterinary police.

19. The railroad trains and ships can be visited only by the military and functionaries specially charged with this duty.

20. There will be no impediment to the usual communications with territories beyond the frontier except for restrictions ordered for the maintenance of neutrality and especially the above-mentioned regulations. However, the commander of troops can request and, if necessary, prescribe that traffic be limited to certain roads.

21. The Cantonal governments, especially the governments of the frontier Cantons and the military commanders according to their special instructions are charged with the execution of the present ordinance and the departments of customs, posts, and railroads are equally charged with that which concerns the cooperation and the attitude of their administrations and their personnels.

Berne, August 4, 1914.

In the name of the Swiss Federal council:

President of the Confederation, HOFFMANN.

Chancellor of the Confederation, SCHATZMANN.

Appeal to the Swiss people, August 5, 1914.

[Bundesgesetz und Verordnungen 1914, 30 : 362.]

Faithful and dear members of the Confederation:

War is unchained at our frontiers. Our army is on foot, and on the 1st of August, the day of the anniversary of the foundation of the Confederation, the telegraph carried orders for the mobilization even into the most remote villages and hamlets of the country.

Faithful to our traditions, firmly attached to the line of conduct which the free decision of our people has chosen and conforming ourselves to the international treaties, *we will observe a complete neutrality.*

The Federal Assembly and the Federal Council have resolved to use all of their forces and to make every sacrifice to maintain our independence and the defense of our neutrality.

Behind its authority the entire Swiss people stand firm and resolute.

To our army now belongs the noble task of protecting our country against every attack and of repelling the aggressor, whoever he may be.

Soldiers, we expect of you that each cheerfully do his duty, ready to shed his blood and to give his life for his country.

Officers, you will all set for your subordinates, we are sure, a splendid example of duty and of sacrifice.

Underofficers and soldiers, you will show by your acts, we are convinced, that the soldier of a free state also knows how to observe the strictest discipline and to obey absolutely the orders of his chief.

And you, Swiss people, who remain by your firesides, keep calm and composed and have confidence in your authorities which in these trying days will consecrate themselves, with all their power, to the accomplishment of their task, and who will also do all possible to remedy misfortunes. Have confidence, whatever happens, in your army, for which during peace you have not made such great sacrifices in vain and of which you are justly proud.

May God protect our dear fatherland! We commend it to the protection of the All-Powerful.

Berne, August 5, 1914.

In the name of the Federal Council:

President of the Confederation: **HOFFMANN.**

Chancellor of the Confederation: **SCHATZMANN.**

Ordinance concerning the penal dispositions for the state of war.

August 6, 1914.

[Bundesgesetze und Verordnungen 1914, 80 : 370.]

The Swiss Federal Council.

In view of article 102, paragraph 9, of the Federal constitution and the Federal order of August 3, 1914, on the measures proper to assure the security of the country and the maintenance of its neutrality; on the suggestion of the Federal military department;

Orders:

ARTICLE 1. The provisions of the military laws designed for time of war are applicable during the present mobilization of the troops.

ART. 2. Article 41 of the military penal code of August 27, 1851, is amended by the following provision:

Whoever, with design, lends aid to the hostile military purposes of a foreign state, of its army or of independent foreign corps, or hinders or compromises the military operations of the Swiss army is guilty of treason.

ART. 3. Article 2 of the military penal code is amended by the following provision:

The following are guilty of treason:

(1) Those who, in order to reveal them to a foreign state or to one of its agents, in order to give them publicity, or in order to render them accessible, have spied into facts, arrangements, or plans, which it is necessary in the interests of the confederation to hold secret because of the imminence of war or in time of war; those who shall have revealed to a foreign state or to one of its agents, shall have given publicity to, or shall have rendered accessible facts, arrangements, or plans which it is necessary in the interests of the confederation to hold secret because of the imminence of war or in time of war;

(2) Whoever, directly or indirectly, shall have hindered or compromised the military operations of the Swiss army, (a) either by damaging or destroying means of communication or of information, apparatus, or objects serving the army; (b) either by interfering with or compromising the use of the establishments serving the army of importance for the people; (c) either by promulgating false news of a nature to hinder the military operations of the Swiss army or to scatter anxiety and terror among the people;

(3) Whoever in war aids the enemy by services or supplies, or who cooperates in a loan for an enemy state.

ART. 4. There will be punished by imprisonment, and in grave cases by penal servitude, whoever violates Swiss territory or commits against Switzerland or a part of Switzerland any other act contrary to international law; whoever lends aid to any act of this kind.

ART. 5. Whoever in Swiss territory carries on an information service for the benefit of a foreign power will be punished by imprisonment and a fine of not over 20,000 francs. The correspondence and material (carrier pigeons, aeroplanes, automobiles, etc.) will be confiscated.

ART. 6. Whoever disobeys the orders given or the ordinances published by the Federal Council, the Federal military department, the commander of the army, the territorial commanders, or any other competent military authority for the protection of the military interests or the safeguarding of neutrality or in the exercise of the police power which appertains to them; whoever disseminates news contrary to a prohibition of the competent authority will be punished by imprisonment for three years or by a fine of not over 10,000 francs if he is not liable to more severe penal dispositions. The two penalties may be combined.

ART. 7. The criminal acts forbidden by the present order will be proceeded against and judged by the military tribunals exclusively according to the application of the military penal code and of the present order.

ART. 8. In case of a military offense committed, even by a civilian, the cantonal authorities are bound to act and to report it immediately to the commander of troops or to the nearest military station. The commanders of troops and the territorial commanders will arrest and deliver to the civil authorities all civilians who in the region of their command are guilty of a criminal act in the jurisdiction of the ordinary criminal tribunals.

ART. 9. The present ordinance comes immediately into force. The Federal Council will fix the time when it shall cease to be in force.

Berne, August 6, 1914.

In the name of the Swiss Federal Council :

The President of the Confederation, **HOFFMANN.**

The Chancellor of the Confederation, **SCHATZMANN.**

Notification of the Swiss Federal Government to the Government of the French Republic in reference to balloons and air craft. August 8, 1914.

[Journal Officiel, Aug. 10, 1914, p. 7301.]

The Swiss Federal Government has notified the Government of the Republic under date of August 8, 1914, that in view of the maintenance of the neutrality of Switzerland it is forbidden to all balloons and air craft coming from a foreign country to pass in the aerial space above the Swiss territory. All means will be taken, if necessary, to prevent this passage.

Letter of M. Hoffmann, President of the Swiss Confederation, to M. Fosciali concerning the sending of the wounded into the neutral zone of upper Savoy. September, 1914.

[Rev. Gén., Doc. 22 : 187.]

SIR: By your letter of the 25th of this month you wish to express your surprise to us that in spite of the important preparations made in upper Savoy for the reception of wounded soldiers, the hospitals and ambulances to provide for this end are wanting up to the present time. On this occasion you have repeated certain rumors which appear to be circulating in Savoy; rumors according to which the Federal Government, invoking the special situation created in certain parts of upper Savoy by the international treaties have raised some difficulties to admitting the introduction of the wounded into these countries.

We desire to assure you, you and your compatriots, that these suppositions are erroneous in all points. The Federal Council has not only raised no objection to sending the wounded into the

neutralized part of upper Savoy, but has on the contrary, considered with the greatest good will the possibility of a measure of this kind which it only desires to facilitate as far as it may depend upon itself. We believe it our duty to add, moreover, that according to our information, confirmed to-day by his excellency the ambassador of France at Berne, it is only some difficulties of communication which have led the French Government to refrain, for the moment, from sending the wounded into upper Savoy.

We have, doubtless, no need to assure you of the entire sympathy which we feel for the people of upper Savoy, our excellent neighbors, and we are persuaded, moreover, that these people ask no better for their part than to continue the good relations so happily and for so long a time existing between our two countries.

HOFFMANN.

Notice of the Council of State of the Canton of Geneva concerning the neutralization of a part of upper Savoy, of Chablais, and of Faucigny. October, 1914.

[Rev. Gén., Doc. 22 : 187.]

The Council of State has learned that there have been disseminated in the Department of Upper Savoy inexact rumors on the question of the reception in hospitals of the wounded on the neutralized territory.

We can declare that the Federal Council has never made any objection to the reception of the wounded in hospitals in Savoy. If a decision has been made in this respect, it has been by the competent French authorities.

The present declaration is suggested to us by the desire to maintain in time of war as in time of peace the excellent relations which exist between the people of upper Savoy and of Geneva.

In the name of the Council of State:

HENRY FAZY.

Communication of the Swiss Federal Council on the entry into Helvetic territory of the sick and wounded of belligerents wearing civilian clothes. October, 1914.

[Rev. Gén., Doc. 22 : 187.]

The question has been raised whether the inhabitants of a belligerent state who have been wounded in war, or have contracted a disease from it, can, in order to recover or to convalesce, come for treatment into Switzerland in some of our stations or in a family, without danger of being interned, it being understood that these persons wear civilians' clothes. The Federal Council has replied affirmatively to the question, considering that it perceives no obligation to investigate whether or not per-

sons who cross the frontier in civilian dress belong to the army of any of the belligerent states.

Furthermore, the Federal Council thinks it proper to render a service to the different belligerent states by allowing their inhabitants to procure without difficulty or delay the means necessary to contribute thus to their recovery.

New appeal to the Swiss people. October 1, 1914.

[Bundesgesetze und Verordnungen, 1914, 30 : 510.]

Faithful and Dear Members of the Confederation:

Two months have already passed since the outbreak of the gigantic struggle of peoples, and the end of this terrible conflict is not yet in sight.

At the opening of the war our authorities proclaimed with unanimity the complete neutrality of Switzerland. The whole people has approved this decision, and we have the firm resolve scrupulously to maintain this neutrality by all means at the disposal of the country. This attitude has spared us the horrors of war, but it imposes on us also some duties and some sacrifices. There is not everywhere a clear consciousness of these duties and of these sacrifices. In our method of judging the event and in the expression of our sympathy for the different nations, we ought to observe the greatest reserve to avoid that which might wound the states and the peoples involved in the war and to guard ourselves from all partiality. To judge with calmness and moderation the events does not at all mean to be oblivious of sympathy and feeling; the heart of each citizen will continue to beat warmly for those to whom they are attached by particularly strong bonds or whose fate is dear to them before everything.

Only if each observes this attitude will it be possible to accomplish the duties which spring from our situation of a neutral state and to maintain the good relations of our country with the other states. This interest has never been greater than in the present confusion of Europe, and it has never been more difficult to safeguard.

But more important yet, than the regard due to foreign nations and of a vital interest to our country, is the maintenance between ourselves of an energetic cohesion, of an unshaken unity. This unity, absolutely necessary to-day, that the culture, the economic and financial situation of our country may receive serious consideration, will to-morrow be equally necessary, when it is a question of healing the wounds by a union of all efforts. History teaches us that Switzerland has never suffered the greatest calamities nor endured the greatest losses, except, when distraught by domestic quarrels, she has been enfeebled by a lack of unity. At this moment when the fate of peoples is at stake, we must recall the lessons of history and guard ourselves from insisting in a manner imprudent, passionate or offensive on those things which

separate us, by enfeebling the sentiments which unite us, instead of fortifying them by patriotically recalling those things which bring us together.

We address to each citizen and particularly to the Swiss press of all parties, of all languages, and of all regions, a pressing appeal for moderation and reserve. It is the press which expresses and directs public opinion. It has the noble task of confining the unchained passion, of combatting the tendencies which divide and of exercising especially its influence to moderate and conciliate.

The hard times of trial through which we pass ought to become the point of departure for an intellectual, economic, and political uplift. We require for this end the union of all the forces of our people. There ought to be no irreconcilable barriers of race or of language. We see the ideal of our fatherland in a community of civilization which rises above race and language. First and before all we are *Swiss* only in the second place Latin or German. Above all the sympathies for the nations to which we are attached by a common origin, there is for us the welfare of the fatherland, of that fatherland which is common to us all. *It is to this welfare of the fatherland that we ought to subordinate all else.*

In the hope that this appeal will be heard, we recommend you with ourselves, faithful and dear members of the Confederation, to the divine protection.

Berne, October 1, 1914.

In the name of the Swiss Federal Council:

The President of the Confederation, HOFFMANN.

The Chancellor of the Confederation, SCHATZMANN.

Order of the Federal Council concerning foreign deserters and fugitive conscripts. June 30, 1916.

[Lois Suisse, July 5, 1916.]

The Swiss Federal Council.

Relying on article 3 of the Federal order of August 3, 1914, concerning measures appropriate for assuring the security of the country and the maintenance of its neutrality;

Considering that, with the exception of measures which appear necessary in the interests of the national defense, it is primarily incumbent upon the Cantons to concern themselves with foreign deserters and fugitive conscripts (*réfractaires*), yet the extraordinary circumstances of the present time demand nothing less than the intervention of the Confederation in the matter;

Orders:

ARTICLE 1. During the state of war, foreign deserters, and fugitive conscripts can not be conducted beyond the Swiss frontier or removed from one Canton into another or even expelled from a Canton. No distinction is made between deserters and fugitive conscripts, as to their treatment in Switzerland, except to the extent that this distinction appears necessary for mili-

tary reasons. The Federal Council reserves to itself the right to declare during the war the expulsion from Swiss territory of deserters and fugitive conscripts, who may have made themselves liable for grave offenses. The commander of the army will decide on the toleration of foreign deserters and fugitive conscripts in the zone of the army.

ART. 2. When deserters and fugitive conscripts not possessing identification papers or providing insufficient identification papers, have been permitted in Switzerland before the entrance into the war of the State from which they came, it is the duty of the Canton to which they have been admitted on the last occasion to provide for them.

ART. 3. As to deserters or fugitive conscripts entering Switzerland after the entry into the war of the State from which they come, as well as those whose recognition papers have proved fraudulent after the said date and finally those whose recognition papers are not considered valid by the State of origin, the Canton where they reside or to which they are attributed is bound to demand sufficient securities of them for the disturbances of public law and of an economic nature resulting from the fact that they are tolerated on Swiss territory. The Cantons will determine the amount and the nature of the securities and designate the authority to which these should be furnished. The Cantonal governments are authorized to publish the necessary regulations, when the Cantonal legislation does not contain provisions relating to securities or when the existing provisions are insufficient. The dispositions of the Cantons relative to securities will be submitted to the approval of the Federal Council which reserves to itself the right of amending or modifying the same.

ART. 4. If a deserter or fugitive conscript abandon the place of his residence to establish himself in another Canton, the securities furnished by him are retained and constitute an equal guaranty for the Canton of his new residence. The securities furnished on decision of the military authorities by a deserter or fugitive conscript will be remitted to the Canton in which the person has his residence. The military authorities can not, hereafter, require securities.

ART. 5. The Cantons will establish special lists of all deserters and fugitive conscripts found within their territory and will transmit copies of these lists to the Swiss department of justice and police. They will communicate to the said department all modifications occurring in the contents of the lists. The Swiss department of justice and police is empowered to publish the necessary prescriptions as to the initiation and continuance of the lists.

ART. 6. The securities will furnish compensation, in the first place, for the disturbances of public law and of an economic nature resulting to the Cantons from the toleration on their

territory of deserters and fugitive conscripts, indicated in article 3 above. In cases where these securities are insufficient, or if they have not been obtainable, the confederation will assume the responsibility. The Federal council will fix definitely the indemnity to be accorded by the confederation.

ART. 7. The commander of the army and the Swiss military department will publish, in agreement with the Swiss department of justice and police, the necessary prescriptions as to the admission of deserters and fugitive conscripts into Switzerland (control of the frontier) and the procedure to which these should be submitted after passage of the frontier.

ART. 8. The competent administrative authorities of the Cantons or of the confederation will intern in appropriate establishments deserters or fugitive conscripts who constitute a public danger or who oppose or are not satisfied with the orders of the authorities or who, in some other manner, give occasion for complaints which appear to necessitate resort to internment. The Cantonal governments will publish the necessary prescriptions as to the measure to be taken by the Cantonal authorities in this matter. The Swiss department of justice and police will offer its cooperation to the Cantons which do not possess suitable establishments in choosing the place of internment. When the internment concerns one of the classes indicated in article 3 and the securities eventually furnished are not sufficient to cover the expense, the confederation will be charged for this amount, provided the internment has been approved by the Swiss department of justice and police.

ART. 9. The Federal council will decide definitely upon controversies which may arise over the execution of the present order with reservation of article 1, sentence 4.

ART. 10. The present order will come immediately into force. The Federal council will fix the date at which the order will cease to be in force.

Berne, June 30, 1916.

In the name of the Swiss Federal Council :

The President of the Confederation, DECOPPET.

The Chancellor of the Confederation, SCHATZMANN.

UNITED STATES.

Proclamation of Neutrality. August 4, 1914.¹

[38 U. S. Stat. 1999.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a state of war unhappily exists between Austria-Hungary and Servia and between Germany and Russia and be-

¹ Additional proclamations identical in character were issued as follows :
For the war between Germany and Great Britain on August 5, 1914 [No. 1272] ;

tween Germany and France; and whereas the United States is on terms of friendship and amity with the contending powers, and with the persons inhabiting their several dominions;

And whereas there are citizens of the United States residing within the territories or dominions of each of the said belligerents, and carrying on commerce, trade, or other business or pursuits therein;

And whereas there are subjects of each of the said belligerents residing within the territory or jurisdiction of the United States, and carrying on commerce, trade, or other business or pursuits therein;

And whereas the laws and treaties of the United States, without interfering with the free expression of opinion and sympathy, or with the commercial manufacture or sale of arms or munitions of war, nevertheless impose upon all persons who may be within their territory and jurisdiction the duty of an impartial neutrality during the existence of the contest;

And whereas it is the duty of a neutral government not to permit or suffer the making of its waters subservient to the purposes of war;

Now, therefore, I, WOODROW WILSON, President of the United States of America, in order to preserve the neutrality of the United States and of its citizens and of persons within its territory and jurisdiction, and to enforce its laws and treaties, and in order that all persons, being warned of the general tenor of the laws and treaties of the United States in this behalf, and of the law of nations, may thus be prevented from any violation of the same, do hereby declare and proclaim that by certain provisions of the act approved on the 4th day of March, A.D. 1909, commonly

For the state of war between Austria-Hungary and Russia on August 7, 1914 [No. 1273];

For the state of war between Great Britain and Austria-Hungary, August 13, 1914 [No. 1274];

For the state of war between France and Austria-Hungary, August 14, 1914 [No. 1275];

As a result of the United States being "in fact aware of the existence of a state of war between Belgium and Germany," August 18, 1914 [No. 1276];

For the state of war between Japan and Germany, August 24, 1914 [No. 1277];

For the state of war between Japan and Austria-Hungary, August 27, 1914 [No. 1278];

For the state of war between Belgium and Austria-Hungary, September 1, 1914 [No. 1280];

For the state of war between Great Britain and Turkey, November 6, 1914 [No. 1286];

For the state of war between Italy and Austria-Hungary, May 24, 1915.

For the state of war between Italy and Turkey, August 22, 1915.

For the state of war between France, Great Britain, Italy, and Servia and Bulgaria, November 11, 1915.

For the state of war between Germany and Portugal, March 3, 1916.

For the state of war between Germany and Italy, August 30, 1916.

known as the "Penal Code of the United States," the following acts are forbidden to be done, under severe penalties, within the territory and jurisdiction of the United States, to wit:

1. Accepting and exercising a commission to serve either of the said belligerents by land or by sea against the other belligerent.

2. Enlisting or entering into the service of either of said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

3. Hiring or retaining another person to enlist or enter himself in the service of either of the said belligerents as a soldier, or as a marine, or seaman on board of any vessel of war, letter of marque, or privateer.

4. Hiring another person to go beyond the limits or jurisdiction of the United States with intent to be enlisted as aforesaid.

5. Hiring another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

6. Retaining another person to go beyond the limits of the United States with intent to be enlisted as aforesaid.

7. Retaining another person to go beyond the limits of the United States with intent to be entered into service as aforesaid.

(But the said act is not to be construed to extend to a citizen or subject of either belligerent who, being transiently within the United States, shall, on board of any vessel of war, which, at the time of its arrival within the United States, was fitted and equipped as such vessel of war, enlist or enter himself or hire or retain another subject or citizen of the same belligerent, who is transiently within the United States, to enlist or enter himself to serve such belligerent on board such vessel of war, if the United States shall then be at peace with such belligerent.)

8. Fitting out and arming, or attempting to fit out and arm, or procuring to be fitted out and armed, or knowingly being concerned in the furnishing, fitting out, or arming of any ship or vessel with intent that such ship or vessel shall be employed in the service of either of the said belligerents.

9. Issuing or delivering a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid.

10. Increasing or augmenting, or procuring to be increased or augmented, or knowingly being concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which at the time of her arrival within the United States was a ship of war, cruiser, or armed vessel in the service of either of the said belligerents, or belonging to the subjects of either, by adding to the number of guns of such vessels, or by changing those on board of her for guns of a larger caliber, or by the addition thereto of any equipment solely applicable to war.

11. Beginning or setting on foot or providing or preparing the means for any military expedition or enterprise to be carried on

from the territory or jurisdiction of the United States against the territories or dominions of either of the said belligerents.

And I do hereby further declare and proclaim that any frequenting and use of the waters within the territorial jurisdiction of the United States by the armed vessels of a belligerent, whether public ships or privateers, for the purpose of preparing for hostile operations, or as posts of observation upon the ships of war or privateers or merchant vessels of a belligerent lying within or being about to enter the jurisdiction of the United States, must be regarded as unfriendly and offensive, and in violation of that neutrality which it is the determination of this government to observe; and to the end that the hazard and inconvenience of such apprehended practices may be avoided, I further proclaim and declare that from and after the fifth day of August instant, and during the continuance of the present hostilities between Austria-Hungary and Servia, and Germany and Russia and Germany and France, no ship of war or privateer of any belligerent shall be permitted to make use of any port, harbor, roadstead, or other waters within the jurisdiction of the United States as a station or place of resort for any warlike purpose or for the purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall be permitted to sail out of or leave any port, harbor, roadstead, or waters subject to the jurisdiction of the United States from which a vessel of an opposing belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the jurisdiction of the United States.

If any ship of war or privateer of a belligerent shall, after the time this notification takes place, enter any port, harbor, roadstead, or waters of the United States, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, harbor, roadstead, or waters, except in case of stress of weather or of her requiring provisions or things necessary for the subsistence of her crew, or for repairs; in any of which cases the authorities of the port, or of the nearest port (as the case may be), shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel which may have been permitted to remain within the waters of the United States for the purpose of repair shall continue within such port, harbor, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed, unless within such twenty-four hours a vessel, whether ship of war, privateer, or merchant ship of an opposing belligerent, shall have departed therefrom, in which case the time limited for the departure of such ship of war or privateer shall be extended so far as may be necessary to secure an interval of not less than

twenty-four hours between such departure and that of any ship of war, privateer, or merchant ship of an opposing belligerent which may have previously quit the same port, harbor, roadstead, or waters.

No ship of war or privateer of a belligerent shall be detained in any port, harbor, roadstead, or waters of the United States more than twenty-four hours, by reason of the successive departures from such port, harbor, roadstead, or waters of more than one vessel of an opposing belligerent. But if there be several vessels of opposing belligerents in the same port, harbor, roadstead, or waters, the order of their departure therefrom shall be so arranged as to afford the opportunity of leaving alternately to the vessels of the opposing belligerents, and to cause the least detention consistent with the objects of this proclamation.

No ship of war or privateer of a belligerent shall be permitted, while in any port, harbor, roadstead, or waters within the jurisdiction of the United States, to take in any supplies except provisions and such other things as may be requisite for the subsistence of her crew, and except so much coal only as may be sufficient to carry such vessel, if without any sail power, to the nearest port of her own country; or in case the vessel is rigged to go under sail, and may also be propelled by steam power, then with half the quantity of coal which she would be entitled to receive, if dependent upon steam alone, and no coal shall be again supplied to any such ship of war or privateer in the same or any other port, harbor, roadstead, or waters of the United States, without special permission, until after the expiration of three months from the time when such coal may have been last supplied to her within the waters of the United States, unless such ship of war or privateer shall, since last thus supplied, have entered a port of the government to which she belongs.

And I do further declare and proclaim that the statutes and the treaties of the United States and the law of nations alike require that no person, within the territory and jurisdiction of the United States, shall take part, directly or indirectly, in the said wars, but shall remain at peace with all of the said belligerents, and shall maintain a strict and impartial neutrality.

And I do hereby enjoin all citizens of the United States, and all persons residing or being within the territory or jurisdiction of the United States, to observe the laws thereof, and to commit no act contrary to the provisions of the said statutes or treaties or in violation of the law of nations in that behalf.

And I do hereby warn all citizens of the United States, and all persons residing or being within its territory or jurisdiction that, while the free and full expression of sympathies in public and private is not restricted by the laws of the United States, military forces in aid of a belligerent cannot lawfully be originated or organized within its jurisdiction; and that, while all persons may lawfully and without restriction by reason of the aforesaid

state of war manufacture and sell within the United States arms and munitions of war, and other articles ordinarily known as "contraband of war," yet they cannot carry such articles upon the high seas for the use or service of a belligerent, nor can they transport soldiers and officers of a belligerent, or attempt to break any blockade which may be lawfully established and maintained during the said war without incurring the risk of hostile capture and the penalties denounced by the law of nations in that behalf.

And I do hereby give notice that all citizens of the United States and others who may claim the protection of this government, who may misconduct themselves in the premises, will do so at their peril, and that they can in no wise obtain any protection from the government of the United States against the consequences of their misconduct.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this fourth day of August in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States of America the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON.

By the President:

WILLIAM JENNINGS BRYAN,

Secretary of State.

Executive order of the President with reference to radio communication, August 5, 1914.

Whereas Proclamations having been issued by me declaring the neutrality of the United States of America in the wars now existing between various European nations; and

Whereas it is desirable to take precautions to insure the enforcement of said Proclamations in so far as the use of radio communication is concerned;

It is now ordered, by virtue of authority vested in me to establish regulations on the subject, that all radio stations within the jurisdiction of the United States of America are hereby prohibited from transmitting or receiving for delivery messages of an unneutral nature, and from in any way rendering to any one of the belligerents any unneutral service, during the continuance of hostilities.

The enforcement of this order is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order to take effect from and after this date.

WOODROW WILSON.

The WHITE HOUSE.

Circular of the Department of State with Reference to Liability for Military Service in Foreign Countries of Persons Residing in the United States. August 14, 1914.

The Department of State has recently received numerous inquiries from foreign-born persons residing in this country as to whether they may be compelled to perform military service in their native lands and as to what penalties, by way of fines, confiscation of property, or imprisonment in case of return, they will incur if they fail to report to the authorities of their country of origin for military service. Some of the inquiries refer to persons who have obtained naturalization as citizens of the United States, others to persons who have made declarations of intention to become American citizens, and still others to persons who have taken no steps toward acquiring American citizenship. Misconception and confusion concerning this matter appear to be current.

The United States is not a party to any treaties under which persons of foreign origin residing in this country may be compelled to return to their countries of origin for military service, nor is there any way in which persons may be forced into foreign armies against their will so long as they remain in the United States.

The Department cannot undertake to give authentic, official information either, in general, as to the requirements of the military service laws of foreign countries and the penalties provided therein for evasion of military service, or, in particular, as to the status and present or future liabilities of individuals under such laws. Information of this kind must be obtained from officials of the foreign countries concerned.

The Department issues printed circulars concerning the status in their native lands of naturalized citizens of the United States, natives of certain European countries, and these will be furnished to interested persons upon request. It is specifically stated in these circulars that the information contained in them is not to be considered as official so far as it relates to the laws and regulations of foreign countries.

The United States has concluded treaties of naturalization with the following European countries: Austria-Hungary, Belgium, Denmark, the German States, Great Britain, Norway, and Sweden. Copies of these treaties are to be found in "Treaties, Conventions, etc., between the United States of America and Other Powers" (Government Printing Office, 1910), and separate copies may be furnished by the Department upon request. Under these treaties the naturalization of persons concerned as citizens of the United States and the termination of their former allegiance are recognized, with the reservation, in most of them, that such persons remain liable to trial and punishment in their native lands for offenses committed prior to emigration therefrom, including offenses of evasion of military duty. The United States

holds that no naturalized citizen of this country can rightfully be held to account for military liability to his native land accruing subsequent to emigration therefrom, but this principle may be contested by countries with which the United States has not entered into treaties of naturalization. The latter countries may hold that naturalization of their citizens or subjects as citizens of other countries has no effect upon their original military obligation, or may deny the right of their citizens or subjects to become naturalized as citizens of other countries, in the absence of express consent or without the fulfillment of military obligations. More specific information as to the Department's understanding of the laws of these countries concerning nationality and military obligations may be found in the Department's circulars mentioned above.

It is important to observe that an alien who declares his intention to become a citizen of the United States does not, at the time of making such declaration, renounce allegiance to his original sovereign, but merely declares that he intends to do so. Such person does not, by his declaration of intention, acquire the status of a citizen of the United States.

W. J. BRYAN.

Appeal to the American people by President Wilson, August 18, 1914.

MY FELLOW COUNTRYMEN:

I suppose that every thoughtful man in America has asked himself, during the last troubled weeks, what influence the European war may exert upon the United States, and I take the liberty of addressing a few words to you in order to point out that it is entirely within our own choice what its effects upon us will be and to urge very earnestly upon you the sort of speech and conduct which will best safeguard the Nation against distress and disaster.

The effect of the war upon the United States will depend upon what American citizens say and do. Every man who really loves America will act and speak in the true spirit of neutrality, which is the spirit of impartiality and fairness and friendliness to all concerned. The spirit of the Nation in this critical matter will be determined largely by what individuals and society and those gathered in public meetings do and say, upon what newspapers and magazines contain, upon what ministers utter in their pulpits, and men proclaim as their opinions on the street.

The people of the United States are drawn from many nations, and chiefly from the nations now at war. It is natural and inevitable that there should be the utmost variety of sympathy and desire among them with regard to the issues and circumstances of the conflict. Some will wish one nation, others another, to succeed in the momentous struggle. It will be easy to excite passion and difficult to allay it. Those responsible for exciting it will assume

a heavy responsibility, responsibility for no less a thing than that the people of the United States, whose love of their country and whose loyalty to its Government should unite them as Americans all, bound in honor and affection to think first of her and her interests, may be divided in camps of hostile opinion, hot against each other, involved in the war itself in impulse and opinion if not in action.

Such divisions among us would be fatal to our peace of mind and might seriously stand in the way of the proper performance of our duty as the one great Nation at peace, the one people holding itself ready to play a part of impartial mediation and speak the counsels of peace and accommodation, not as a partisan, but as a friend.

I venture, therefore, my fellow countrymen, to speak a solemn word of warning to you against that deepest, most subtle, most essential breach of neutrality which may spring out of partisanship, out of passionately taking sides. The United States must be neutral in fact as well as in name during these days that are to try men's souls. We must be impartial in thought as well as action, must put a curb upon our sentiments as well as upon every transaction that might be construed as a preference of one party to the struggle before another.

My thought is of America. I am speaking, I feel sure, the earnest wish and purpose of every thoughtful American that this great country of ours, which is, of course, the first in our thoughts and in our hearts, should show herself in this time of peculiar trial a Nation fit beyond others to exhibit the fine poise of undisturbed judgment, the dignity of self-control, the efficiency of dispassionate action; a Nation that neither sits in judgment upon others nor is disturbed in her own counsels and which keeps herself fit and free to do what is honest and disinterested and truly serviceable for the peace of the world.

Shall we not resolve to put upon ourselves the restraints which will bring to our people the happiness and the great and lasting influence for peace we covet for them?

*Executive Order of the President with Further Reference to
Radio Communication. September 5, 1914.*

Whereas an order has been issued by me dated August 5, 1914, declaring that all radio stations within the jurisdiction of the United States of America were prohibited from transmitting or receiving for delivery messages of an unneutral nature and from in any way rendering to any one of the belligerents any unneutral service; and

Whereas it is desirable to take precautions to insure the enforcement of said order in so far as it relates to the transmission of code and cipher messages by high-powered stations capable of trans-Atlantic communication;

Now therefore it is ordered by virtue of authority vested in me by the radio Act of August 13, 1912, that one or more of the high-powered radio stations within the jurisdiction of the United States and capable of trans-Atlantic communication shall be taken over by the Government of the United States and used or controlled by it to the exclusion of any other control or use for the purpose of carrying on communication with land stations in Europe, including code and cipher messages.

The enforcement of this order and the preparation of regulations therefor is hereby delegated to the Secretary of the Navy, who is authorized and directed to take such action in the premises as to him may appear necessary.

This order shall take effect from and after this date.

WOODROW WILSON.

The WHITE HOUSE.

Memorandum of the Department of State with Reference to Merchant Vessels Suspected of Carrying Supplies to Belligerent Vessels, September 19, 1914.

1. A base of operations for belligerent warships is presumed when fuel or other supplies are furnished at an American port to such warships more than once within three months since the war began, or during the period of the war, either directly or by means of naval tenders of the belligerent or by means of merchant vessels of belligerent or neutral nationality acting as tenders.

2. A common rumor or suspicion that a merchant vessel laden with fuel or other naval supplies intends to deliver its cargo to a belligerent warship on the high seas, when unsupported by direct or circumstantial evidence, imposes no duty on a neutral government to detain such ships even for the purpose of investigating the rumor or suspicion, unless it is known that the vessel has been previously engaged in furnishing supplies to a belligerent warship.

3. Circumstantial evidence, supporting a rumor or suspicion that a merchant vessel intends to furnish a belligerent warship with fuel or other supplies on the high seas, is sufficient to warrant detention of the vessel until its intention can be investigated in the following cases:

(a) When a belligerent warship is known to be off the port at which the merchant vessel is taking on cargo suited for naval supplies or when there is a strong presumption that the warship is off the port.

(b) When a merchant vessel is of the nationality of the belligerent whose warship is known to be off the coast.

(c) When a merchant vessel, which has, on a previous voyage between ports of the United States and ports of other neutral states, failed to have on board at the port of arrival a cargo consisting of naval supplies shipped at the port of departure, seeks to take on board a similar cargo.

(d) When coal or other supplies are purchased by an agent of a belligerent government and shipped on board a merchant vessel which does not clear for a port of the belligerent but for a neighboring neutral port.

(e) When an agent of a belligerent is taken on board a merchant vessel having a cargo of fuel or other supplies and clearing for a neighboring neutral port.

4. The fact that a merchant vessel, which is laden with fuel or other naval supplies, seeks clearance under strong suspicion that it is the intention to furnish such fuel or supplies to a belligerent warship is not sufficient ground to warrant its detention, if the case is isolated and neither the vessel nor the warship for which the supplies are presumably intended has previously taken on board similar supplies since the war began or within three months during the period of the war.

5. The essential idea of neutral territory becoming the base for naval operations by a belligerent is repeated departure from such territory by a naval tender of the belligerent or by a merchant vessel in belligerent service which is laden with fuel or other naval supplies.

6. A merchant vessel, laden with naval supplies, clearing from a port of the United States for the port of another neutral nation, which arrives at its destination and there discharges its cargo, should not be detained if, on a second voyage, it takes on board another cargo of similar nature.

In such a case the port of the other neutral nation may be a base for the naval operations of a belligerent. If so, and even if the fact is notorious, this Government is under no obligation to prevent the shipment of naval supplies to that port. Commerce in munitions of war between neutral nations cannot as a rule be a basis for a claim of unneutral conduct, even though there is a strong presumption or actual knowledge that the neutral state, in whose port the supplies are discharged, is permitting its territory to be used as a base of supply for belligerent warships. The duty of preventing an unneutral act rests entirely upon the neutral state whose territory is being used as such a base.

In fact this principle goes further in that, if the supplies were shipped directly to an established naval base in the territory or under the control of a belligerent, this Government would not be obligated by its neutral duty to limit such shipments or detain or otherwise interfere with the merchant vessels engaged in that trade. A neutral can only be charged with unneutral conduct when the supplies, furnished to a belligerent warship, are furnished directly to it in a port of the neutral or through naval tenders or merchant vessels acting as tenders departing from such port.

7. The foregoing propositions do not apply to furnishing munitions of war included in absolute contraband, since in no event can a belligerent warship take on board such munitions in neutral

waters, nor should it be permitted to do so indirectly by means of naval tenders or merchant vessels acting as such tenders.

DEPARTMENT OF STATE,

September 19, 1914.

Memorandum in reference to The Status of Armed Merchant Vessels, September 19, 1914.¹

A.

A merchant vessel of belligerent nationality may carry an armament and ammunition for the sole purpose of defense without acquiring the character of a ship of war.

B.

The presence of an armament and ammunition on board a merchant vessel creates a presumption that the armament is for offensive purposes, but the owners or agents may overcome this presumption by evidence showing that the vessel carries armament solely for defense.

C.

Evidence necessary to establish the fact that the armament is solely for defense and will not be used offensively, whether the armament be mounted or stowed below, must be presented in each case independently at an official investigation. The result of the investigation must show conclusively that the armament is not intended for, and will not be used in, offensive operations.

Indications that the armament will not be used offensively are:

1. That the caliber of the guns carried does not exceed six inches.
2. That the guns and small arms carried are few in number.
3. That no guns are mounted on the forward part of the vessel.
4. That the quantity of ammunition carried is small.
5. That the vessel is manned by its usual crew, and the officers are the same as those on board before war was declared.
6. That the vessel intends to and actually does clear for a port lying in its usual trade route, or a port indicating its purpose to continue in the same trade in which it was engaged before war was declared.
7. That the vessel takes on board fuel and supplies sufficient only to carry it to its port of destination, or the same quantity substantially which it has been accustomed to take for a voyage before war was declared.
8. That the cargo of the vessel consists of articles of commerce unsuited for the use of a ship of war in operations against an enemy.

¹ Reproduced by Cuba in a decree of March 3, 1916. (Boletín Oficial de la Secretaría de Estado, 1916, p. 501.)

9. That the vessel carries passengers who are as a whole unfitted to enter the military or naval service of the belligerent whose flag the vessel flies, or of any of its allies, and particularly if the passenger list includes women and children.

10. That the speed of the ship is slow.

D.

Port authorities on the arrival in a port of the United States of an armed vessel of belligerent nationality, claiming to be a merchant vessel, should immediately investigate and report to Washington on the foregoing indications as to the intended use of the armament, in order that it may be determined whether the evidence is sufficient to remove the presumption that the vessel is, and should be treated as, a ship of war. Clearance will not be granted until authorized from Washington, and the master will be so informed upon arrival.

E.

The conversion of a merchant vessel into a ship of war is a question of fact which is to be established by direct or circumstantial evidence of intention to use the vessel as a ship of war.

DEPARTMENT OF STATE,
September 19, 1914.

[No. 1287.]

*Protocol of an agreement between the United States and Panama,
October 10, 1914.¹*

[38 U. S. Stat. 2042.]

Protocol of an agreement concluded between Honorable Robert Lansing, Acting Secretary of State of the United States, and Don Eusebio A. Morales, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, signed the tenth day of October, 1914.

The undersigned, the Acting Secretary of State of the United States of America and the Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, in view of the close association of the interests of their respective Governments on the Isthmus of Panama, and to the end that these interests may be conserved and that, when a state of war exists, the neutral obligations of both Governments as neutrals may be maintained, after having conferred on the subject and being duly empowered by their respective Governments, have agreed:

That hospitality extended in the waters of the Republic of Panama to a belligerent vessel of war or a vessel belligerent or

¹ See proclamation of November 13, 1914, p. 96.

neutral, whether armed or not, which is employed by a belligerent power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea, shall serve to deprive such vessel of like hospitality in the Panama Canal Zone for a period of three months, and *vice versa*.

In testimony whereof, the undersigned have signed and sealed the present Protocol in the city of Washington, this tenth day of October, 1914.

ROBERT LANSING [L. S.]

EUSEBIO A. MORALES [L. S.]

Circular of the Department of State of the United States with Reference to Neutrality and Trade in Contraband. October 15, 1914.

The Department of State has received numerous inquiries from American merchants and other persons as to whether they could sell to governments or nations at war contraband articles without violating the neutrality of the United States, and the Department has also received complaints that sales of contraband were being made on the apparent supposition that they were unneutral acts which this Government should prevent.

In view of the number of communications of this sort which have been received it is evident that there is a widespread misapprehension among the people of this country as to the obligations of the United States as a neutral nation in relation to trade in contraband and as to the powers of the executive branch of the government over persons who engage in it. For this reason it seems advisable to make an explanatory statement on the subject for the information of the public.

In the first place it should be understood that, generally speaking, a citizen of the United States can sell to a belligerent government or its agent any article of commerce which he pleases. He is not prohibited from doing this by any rule of international law, by any treaty provisions, or by any statute of the United States. It makes no difference whether the articles sold are exclusively for war purposes, such as firearms, explosives, etc., or are foodstuffs, clothing, horses, etc., for the use of the army or navy of the belligerent.

Furthermore, a neutral government is not compelled by international law, by treaty, or by statute to prevent these sales to a belligerent. Such sales, therefore, by American citizens do not in the least affect the neutrality of the United States.

It is true that such articles as those mentioned are considered contraband and are, outside the territorial jurisdiction of a neutral nation, subject to seizure by an enemy of the purchasing government, but it is the enemy's duty to prevent the articles reaching their destination, not the duty of the nation whose citizens have sold them. If the enemy of the purchasing nation happens

for the time to be unable to do this that is for him one of the misfortunes of war; the inability, however, imposes on the neutral government no obligation to prevent the sale.

Neither the President nor any executive department of the Government possesses the legal authority to interfere in any way with trade between the people of this country and the territory of the belligerent. There is no act of Congress conferring such authority or prohibiting traffic of this sort with European nations, although in the case of neighboring American Republics Congress has given the President power to proclaim an embargo on arms and ammunition when in his judgment it would tend to prevent civil strife.

For the Government of the United States itself to sell to a belligerent nation would be an unneutral act, but for a private individual to sell to a belligerent any product of the United States is neither unlawful nor unneutral, nor within the power of the Executive to prevent or control.

The foregoing remarks, however, do not apply to the outfitting or furnishing of vessels in American ports or of military expeditions on American soil in aid of a belligerent. These acts are prohibited by the neutrality laws of the United States.

DEPARTMENT OF STATE,
October 15, 1914.

[Proclamation No. 1271.]

Proclamation relating to the neutrality of the Panama Canal Zone. November 13, 1914.¹

[38 U. S. Stat. 2039.]

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas, the United States is neutral in the present war and

Whereas the United States exercises sovereignty in the land and waters of the Canal Zone and is authorized by its treaty with Panama of February twenty-six, nineteen hundred and four,² to maintain neutrality in the cities of Panama and Colon, and the harbors adjacent to the said cities:

Now, therefore, I, WOODROW WILSON, President of the United States of America, do hereby declare and proclaim the following Rules and Regulations Governing the Use of the Panama Canal by Vessels of Belligerents and the Maintenance of Neutrality by the United States in the Canal Zone, which are in addition to the general "Rules and Regulations for the Operation and Navigation of the Panama Canal and Approaches Thereto, including all Waters under its jurisdiction" put into force by Executive Order of July 9, 1914, and I do bring to the attention of all concerned the Protocol of an Agreement between the United States

¹ See protocol of October 10, 1914, p. 94.

² Malloy, *Treaties*, p. 1349.

and the Republic of Panama, signed at Washington, October 10, 1914, which protocol is hereunto annexed.¹

Rule 1. A vessel of war, for the purposes of these rules, is defined as follows: a public armed vessel, under the command of an officer duly commissioned by the government, whose name appears on the list of officers of the military fleet, and the crew of which are under regular naval discipline, which vessel is qualified by its armament and the character of its personnel to take offensive action against the public or private ships of the enemy.

Rule 2. In order to maintain both the neutrality of the Canal and that of the United States owning and operating it as a government enterprise, the same treatment, except as hereinafter noted, as that given to vessels of war of the belligerents shall be given to every vessel, belligerent or neutral, whether armed or not, that does not fall under the definition of Rule 1, which vessel is employed by a belligerent Power as a transport or fleet auxiliary or in any other way for the direct purpose of prosecuting or aiding hostilities, whether by land or sea; but such treatment shall not be given to a vessel fitted up and used exclusively as a hospital ship.

Rule 3. A vessel of war of a belligerent, or a vessel falling under Rule 2 which is commanded by an officer of the military fleet, shall only be permitted to pass through the Canal after her commanding officer has given written assurance to the Authorities of the Panama Canal that the Rules and Regulations will be faithfully observed.

The authorities of the Panama Canal shall take such steps as may be requisite to insure the observance of the Rules and Regulations by vessels falling under Rule 2 which are not commanded by an officer of the military fleet.

Rule 4. Vessels of war of a belligerent and vessels falling under Rule 2 shall not revictual nor take any stores in the Canal except so far as may be strictly necessary; and the transit of such vessels through the Canal shall be effected with the least possible delay in accordance with the Canal Regulations in force, and with only such intermission as may result from the necessities of the service.

Prizes shall be in all respects subject to the same Rules as vessels of war of the belligerents.

Rule 5. No vessel of war of a belligerent or vessel falling under Rule 2 shall receive fuel or lubricants while within the territorial waters of the Canal Zone, except on the written authorization of the Canal Authorities, specifying the amount of fuel and lubricants which may be received.

Rule 6. Before issuing any authorization for the receipt of fuel and lubricants by any vessel of war of a belligerent or vessel

¹ See protocol of October 10, 1914, p. 94.

falling under Rule 2, the Canal Authorities shall obtain a written declaration duly signed by the officer commanding such vessel, stating the amount of fuel and lubricants already on board.

Rule 7. Supplies will not be furnished by the Government of the United States, either directly, or indirectly through the intervention of a corporation, or otherwise, to vessels of war of a belligerent or vessels falling under Rule 2. If furnished by private contractors, or if taken from vessels under the control of a belligerent, fuel and lubricants may be taken on board vessels of war of a belligerent or vessels falling under Rule 2 only upon permission of the Canal Authorities, and then only in such amounts as will enable them, with the fuel and lubricants already on board, to reach the nearest accessible port, not an enemy port, at which they can obtain supplies necessary for the continuation of the voyage. The amounts of fuel and lubricants so received will be deducted from the amounts otherwise allowed in the ports under the jurisdiction of the United States during any time within a period of three months thereafter. Provisions furnished by contractors may be supplied only upon permission of the Canal Authorities, and then only in amount sufficient to bring up their supplies to the peace standard.

Rule 8. No belligerent shall embark or disembark troops, munitions of war, or warlike materials in the Canal, except in case of necessity due to accidental hindrance of the transit. In such cases the Canal Authorities shall be the judge of the necessity, and the transit shall be resumed with all possible dispatch.

Rule 9. Vessels of war of a belligerent and vessels falling under Rule 2 shall not remain in the territorial waters of the Canal Zone under the jurisdiction of the United States longer than twenty-four hours at any one time, except in case of distress; and in such case, shall depart as soon as possible; but a vessel of war of one belligerent shall not depart within twenty-four hours from the departure of a vessel of an opposing belligerent.

The twenty-four hours of this rule shall be construed to be twenty-four hours in addition to the time necessarily occupied in passing through the Canal.

Rule 10. In the exercise of the exclusive right of the United States to provide for the regulation and management of the Canal, and in order to insure that the Canal shall be kept free and open on terms of entire equality to vessels of commerce and of war, there shall not be, except by special arrangement, at any one time a greater number of vessels of war of any one nation, including those of the allies of a belligerent nation, than three in either terminal port and its adjacent terminal waters, or than three in transit through the Canal; nor shall the total number of such vessels, at any one time, exceed six in all the territorial waters of the Canal Zone under the jurisdiction of the United States.

Rule 11. When vessels of war or vessels falling under Rule 2, belonging to or employed by opposing belligerents, are present

simultaneously in the waters of the Canal Zone, a period of not less than twenty-four hours must elapse between the departure of the vessel belonging to or employed by one belligerent and the departure of the vessel belonging to or employed by his adversary.

The order of departure is determined by order of arrival, unless the vessel which arrived first is so circumstanced that an extension of her stay is permissible.

A vessel of war of a belligerent or vessel falling under Rule 2 may not leave the waters of the Canal Zone until twenty-four hours after the departure of a private vessel flying the flag of the adversary.

Rule 12. A vessel of war of a belligerent or vessel falling under Rule 2 which has left the waters of the Canal Zone, whether she has passed through the Canal or not, shall, if she returns within a period of one week after her departure, lose all privileges of precedence in departure from the Canal Zone, or in passage through the Canal, over vessels flying the flag of her adversaries which may enter those waters after her return and before the expiration of one week subsequent to her previous departure. In any such case the time of departure of a vessel which has so returned shall be fixed by the Canal Authorities, who may in so doing consider the wishes of the commander of a public vessel or of the master of a private vessel of the adversary of the returned vessel, which adversary's vessel is then present within the waters of the Canal Zone.

Rule 13. The repair facilities and docks belonging to the United States and administered by the Canal Authorities shall not be used by a vessel of war of a belligerent, or vessels falling under Rule 2, except when necessary in case of actual distress, and then only upon the order of the Canal Authorities, and only to the degree necessary to render the vessel seaworthy. Any work authorized shall be done with the least possible delay.

Rule 14. The radio installation of any vessel of a belligerent Power, public or private, or of any vessel falling under Rule 2, shall be used only in connection with Canal business to the exclusion of all other business while within the waters of the Canal Zone, including the waters of Colon and Panama Harbors.

Rule 15. Air craft of a belligerent Power, public or private, are forbidden to descend or arise within the jurisdiction of the United States at the Canal Zone, or to pass through the air spaces above the lands and waters within said jurisdiction.

Rule 16. For the purpose of these rules the Canal Zone includes the cities of Panama and Colon and the harbors adjacent to the said cities.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

100 *Joint Resolution, Neutrality, United States.*

Done at the city of Washington this thirteenth day of November in the year of our Lord one thousand nine hundred and fourteen and of the independence of the United States the one hundred and thirty-ninth.

[SEAL.]

WOODROW WILSON.

By the President:

W. J. BRYAN,

Secretary of State.

Joint Resolution to Empower the President to better Enforce and Maintain the Neutrality of the United States. March 4, 1915.

[38 U. S. Stat. 1226.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this resolution, and during the existence of a war to which the United States is not a party, and in order to prevent the neutrality of the United States from being violated by the use of its territory, its ports, or its territorial waters as the base of operations for the armed forces of a belligerent, contrary to the obligations imposed by the law of nations, the treaties to which the United States is a party, or contrary to the statutes of the United States, the President be, and he is hereby, authorized and empowered to direct the collectors of customs under the jurisdiction of the United States to withhold clearance from any vessel, American or foreign, which he has reasonable cause to believe to be about to carry fuel, arms, ammunition, men, or supplies to any warship, or tender, or supply ship of a belligerent nation, in violation of the obligations of the United States as a neutral nation.

In case any such vessel shall depart or attempt to depart from the jurisdiction of the United States without clearance for any of the purposes above set forth, the owner or master or person or persons having charge or command of such vessel shall severally be liable to a fine of not less than \$2,000 nor more than \$10,000, or to imprisonment not to exceed two years, or both, and, in addition, such vessel shall be forfeited to the United States.

That the President of the United States be, and he is hereby, authorized and empowered to employ such part of the land or naval forces of the United States as shall be necessary to carry out the purposes of this resolution.

That the provisions of this resolution shall be deemed to extend to all land and water, continental or insular, within the jurisdiction of the United States.

Approved, March 4, 1915.

Memorandum on the Status of Armed Merchant Vessels, March 25, 1916.¹

DEPARTMENT OF STATE,
Washington, March 25, 1916.

I.

The *status* of an armed merchant vessel of a belligerent is to be considered from two points of view: *First*, from that of a neutral when the vessel enters its ports; and, *second*, from that of an enemy when the vessel is on the high seas.

FIRST.—AN ARMED MERCHANT VESSEL IN NEUTRAL PORTS.

(1) It is necessary for a neutral Government to determine the *status* of an armed merchant vessel of belligerent nationality which enters its jurisdiction, in order that the Government may protect itself from responsibility for the destruction of life and property by permitting its ports to be used as bases of hostile operations by belligerent warships.

(2) If the vessel carries a commission or orders issued by a belligerent Government and directing it under penalty to conduct aggressive operations, or if it is conclusively shown to have conducted such operations, it should be regarded and treated as a warship.

(3) If sufficient evidence is wanting, a neutral Government, in order to safeguard itself from liability for failure to preserve its neutrality, may reasonably presume from the facts the *status* of an armed merchant vessel which frequents its waters. There is no settled rule of international law as to the sufficiency of evidence to establish such a presumption. As a result a neutral Government must decide for itself the sufficiency of the evidence which it requires to determine the character of the vessel. For the guidance of its port officers and other officials a neutral Government may therefore declare a standard of evidence, but such standard may be changed on account of the general conditions of naval warfare or modified on account of the circumstances of a particular case. These changes and modifications may be made at any time during the progress of the war, since the determination of the *status* of an armed merchant vessel in neutral waters may affect the liability of a neutral Government.

SECOND.—AN ARMED MERCHANT VESSEL ON THE HIGH SEAS.

(1) It is necessary for a belligerent warship to determine the *status* of an armed merchant vessel of an enemy encountered on

¹ "By direction of the President, a memorandum was prepared during March, 1916, in regard to the *status* of armed merchant vessels in neutral ports and on the high seas. This memorandum is now made public as a statement of this Government's attitude on that subject."

the high seas, since the rights of life and property of belligerents and neutrals on board the vessel may be impaired if its *status* is that of an enemy warship.

(2) The determination of warlike character must rest in no case upon presumption but upon conclusive evidence, because the responsibility for the destruction of life and property depends on the actual facts of the case and can not be avoided or lessened by a standard of evidence which a belligerent may announce as creating a presumption of hostile character. On the other hand, to safeguard himself from possible liability for unwarranted destruction of life and property the belligerent should, in the absence of conclusive evidence, act on the presumption that an armed merchantman is of peaceful character.

(3) A presumption based solely on the presence of an armament on a merchant vessel of an enemy is not a sufficient reason for a belligerent to declare it to be a warship and proceed to attack it without regard to the rights of the persons on board. Conclusive evidence of a purpose to use the armament for aggression is essential. Consequently an armament which a neutral Government, seeking to perform its neutral duties, may presume to be intended for aggression, might in fact on the high seas be used solely for protection. A neutral Government has no opportunity to determine the purpose of an armament on a merchant vessel unless there is evidence in the ship's papers or other proof as to its previous use, so that the Government is justified in substituting an arbitrary rule of presumption in arriving at the *status* of the merchant vessel. On the other hand, a belligerent warship can on the high seas test by actual experience the purpose of an armament on an enemy merchant vessel, and so determine by direct evidence the *status* of the vessel.

SUMMARY.

The *status* of an armed merchant vessel as a warship in neutral waters may be determined, in the absence of documentary proof or conclusive evidence of previous aggressive conduct, by presumption derived from all the circumstances of the case.

The *status* of such vessel as a warship on the high seas must be determined only upon conclusive evidence of aggressive purpose, in the absence of which it is to be presumed that the vessel has a private and peaceable character and it should be so treated by an enemy warship.

In brief, a neutral Government may proceed upon the presumption that an armed merchant vessel of belligerent nationality is armed for aggression, while a belligerent should proceed on the presumption that the vessel is armed for protection. Both of these presumptions may be overcome by evidence—the first by secondary or collateral evidence, since the fact to be established is

negative in character; the second by primary and direct evidence, since the fact to be established is positive in character.

II.

The character of the evidence upon which the *status* of an armed merchant vessel of belligerent nationality is to be determined when visiting neutral waters and when traversing the high seas having been stated, it is important to consider the rights and duties of neutrals and belligerents as affected by the *status* of armed merchant vessels in neutral ports and on the high seas.

FIRST.—THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS IN NEUTRAL PORTS.

(1) It appears to be the established rule of international law that warships of a belligerent may enter neutral ports and accept limited hospitality there upon condition that they leave, as a rule, within 24 hours after their arrival.

(2) Belligerent warships are also entitled to take on fuel once in three months in ports of a neutral country.

(3) As a mode of enforcing these rules a neutral has the right to cause belligerent warships failing to comply with them, together with their officers and crews, to be interned during the remainder of the war.

(4) Merchantmen of belligerent nationality, armed only for purposes of protection against the enemy, are entitled to enter and leave neutral ports without hindrance in the course of legitimate trade.

(5) Armed merchantmen of belligerent nationality under a commission or orders of their Government to use, under penalty, their armament for aggressive purposes, or merchantmen which, without such commission or orders, have used their armaments for aggressive purposes, are not entitled to the same hospitality in neutral ports as peaceable armed merchantmen.

SECOND.—THE RELATIONS OF BELLIGERENTS AND NEUTRALS AS AFFECTED BY THE STATUS OF ARMED MERCHANT VESSELS ON THE HIGH SEAS.

(1) Innocent neutral property on the high seas can not legally be confiscated, but is subject to inspection by a belligerent. Resistance to inspection removes this immunity and subjects the property to condemnation by a prize court, which is charged with the preservation of the legal rights of the owners of neutral property.

(2) Neutral property engaged in contraband trade, breach of blockade, or unneutral service obtains the character of enemy

property and is subject to seizure by a belligerent and condemnation by a prize court.

(3) When hostile and innocent property is mixed, as in the case of a neutral ship carrying a cargo which is entirely or partly contraband, this fact can only be determined by inspection. Such innocent property may be of uncertain character, as it has been frequently held that it is more or less contaminated, by association with hostile property. For example, under the Declaration of London (which, so far as the provisions covering this subject are concerned, has been adopted by all the belligerents) the presence of a cargo, which in bulk or value consists of 50 per cent contraband articles, impresses the ship with enemy character and subjects it to seizure and condemnation by a prize court.

(4) Enemy property, including ships and cargoes, is always subject to seizure and condemnation. Any enemy property taken by a belligerent on the high seas is a total loss to the owners. There is no redress in a prize court. The only means of avoiding loss is by flight or successful resistance. Enemy merchant ships have, therefore, the right to arm for the purpose of self-protection.

(5) A belligerent warship is any vessel which, under commission or orders of its Government imposing penalties or entitling it to prize money, is armed for the purpose of seeking and capturing or destroying enemy property or hostile neutral property on the seas. The size of the vessel, strength of armament, and its defensive or offensive force are immaterial.

(6) A belligerent warship has, incidental to the right of seizure, the right to visit and search all vessels on the high seas for the purpose of determining the hostile or innocent character of the vessels and their cargoes. If the hostile character of the property is known, however, the belligerent warship may seize the property without exercising the right of visit and search which is solely for the purpose of obtaining knowledge as to the character of the property. The attacking vessel must display its colors before exercising belligerent rights.

(7) When a belligerent warship meets a merchantman on the high seas which is known to be enemy owned and attempts to capture the vessel, the latter may exercise its right of self-protection either by flight or by resistance. The right to capture and the right to prevent capture are recognized as equally justifiable.

(8) The exercise of the right of capture is limited, nevertheless, by certain accepted rules of conduct based on the principles of humanity and regard for innocent property, even if there is definite knowledge that some of the property, cargo as well as the vessel, is of enemy character. As a consequence of these limitations, it has become the established practice for warships to give merchant vessels an opportunity to surrender or submit to

visit and search before attempting to seize them by force. The observance of this rule of naval warfare tends to prevent the loss of life of noncombatants and the destruction of innocent neutral property which would result from sudden attack.

(9) If, however, before a summons to surrender is given, a merchantman of belligerent nationality, aware of the approach of an enemy warship, uses its armament to keep the enemy at a distance, or after it has been summoned to surrender it resists or flees, the warship may properly exercise force to compel surrender.

(10) If the merchantman finally surrenders, the belligerent warship may release it or take it into custody. In the case of an enemy merchantman it may be sunk, but only if it is impossible to take it into port, and provided always that the persons on board are put in a place of safety. In the case of a neutral merchantman, the right to sink it in any circumstance is doubtful.

(11) A merchantman entitled to exercise the right of self-protection may do so when certain of attack by an enemy warship, otherwise the exercise of the right would be so restricted as to render it ineffectual. There is a distinct difference, however, between the exercise of the right of self-protection and the act of cruising the seas in an armed vessel for the purpose of attacking enemy naval vessels.

(12) In the event that merchant ships of belligerent nationality are armed and under commission or orders to attack in all circumstances certain classes of enemy naval vessel for the purpose of destroying them, and are entitled to receive prize money for such service from their Government or are liable to a penalty for failure to obey the orders given, such merchant ships lose their *status* as peaceable merchant ships and are to a limited extent incorporated in the naval forces of their Government, even though it is not their sole occupation to conduct hostile operations.

(13) A vessel engaged intermittently in commerce and under a commission or orders of its Government imposing a penalty, in pursuing and attacking enemy naval craft, possesses a *status* tainted with a hostile purpose which it can not throw aside or assume at will. It should, therefore, be considered as an armed public vessel and receive the treatment of a warship by an enemy and by neutrals. Any persons taking passage on such a vessel can not expect immunity other than that accorded persons who are on board a warship. A private vessel, engaged in seeking enemy naval craft, without such a commission or orders from its Government, stands in a relation to the enemy similar to that of a civilian who fires upon the organized military forces of a belligerent, and is entitled to no more considerate treatment.

URUGUAY.*Declaration of neutrality, August 4, 1914.¹*

[Oriental Republic of Uruguay, Boletín del Ministerio de Relaciones exteriores, 1914, p. 653, Registro Nacional, 1914, p. 392.]

MINISTRY OF FOREIGN RELATIONS,

Montevideo, August 4, 1914.

In view of the communications received from the legation of Germany and from the consulate of Russia, concerning the declaration of war between Germany and France on the 1st instant.

The President of the Republic decrees:

ARTICLE 1. Receipt of the communications will be acknowledged by stating that the necessary instructions will be given for the observance of the duties which adhere to Uruguay as a neutral country in the presence of the said war.

ART. 2. The ministries of foreign relations and of war and navy are charged with the execution of the present decree and of the others which accompany it.

ART. 3. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

Maritime rules of neutrality which ought to be observed in all the ports, roadsteads and territorial and jurisdictional waters of the Republic of Uruguay. August 7, 1914.

[Registro Nacional, 1914, p. 393.]

MINISTRY OF FOREIGN RELATIONS,

MINISTRY OF WAR AND NAVY,

Montevideo, August 7, 1914.

In view of

The provisions of the Conventions of The Hague of 1907, adopted by practically all the maritime and other nations, and in conformity with the principles of international law;

The provisions contained in the three rules of the convention between England and the United States of May 8, 1871,² considered equally applicable in the general practice with respect to the duties of neutral countries in case of maritime war:

Articles 139, 140, 142, 143, 144, and 145 of the Penal Code of the Republic relative to crimes against the law of nations;

The President of the Republic decrees:

ARTICLE 1. In case of war between two or more countries, the Republic remaining neutral, the following rules will be applied

¹ Similar declarations were issued in reference to war between Germany and Belgium and England, August 7, 1914; France and Austria-Hungary, August 14, 1914; Austria-Hungary and England and Russia, August 14, 1914; Turkey and France, November 6, 1914; Turkey and England, November 6, 1914.

² Treaty of Washington, art. 6, Malloy, Treaties, p. 703.

with respect to the ports, roadsteads, and territorial waters of the same.

ART. 2. In accordance with the principle established by the treaty of Montevideo in 1889 (Penal Law, article 12),¹ and with the principles generally accepted in these matters, the waters will be considered as territorial waters to a distance of 5 miles from the coast of the mainland and islands, from the visible outlying shoals, and the fixed marks which determine the limit of the banks not visible. With regard to bays, the distance of 5 miles will be measured along a straight line run across the bay at the point nearest its entrance. In addition to the bays or roadsteads established as such by law and custom, those places on the coast will be considered as such which possess their characteristic form and also have an opening of not more than 10 miles. For the other boundary waters the rule will be according to each case, the middle line, the *thalweg* (channel) or the common jurisdiction as determined by the various treaties and situations.

ART. 3. The maximum number of ships of war (battleships, battle cruisers, armored cruisers, armed transports, or scouts) belonging to one belligerent which may be at one time in a port or roadstead of the Republic will be four.

ART. 4. The flotilla vessels (destroyers, torpedo boats, submarines, etc.) will be admitted in groups according to their normal organization. Their number, however, will be restricted to 12.

ART. 5. Belligerent ships of war, with the exception of those on religious, philanthropic, or scientific missions, shall not be permitted to remain in the ports, roadsteads, territorial or jurisdictional waters for a period of more than 72 hours. Within this period shall be included all the time necessary for administrative formalities and intercourse with contractors prior to the final loading of fuel.

ART. 6. If, after the receipts of the notification of the outbreak of hostilities by the Government of the Republic or after it has been universally known that a state of war exists, a belligerent warship is within any port, roadstead, or territorial or jurisdictional waters of Uruguay, it will be notified that it must depart within a period of 72 hours after receiving the notification.

ART. 7. Belligerent vessels of war shall not prolong their stay in the ports or waters of the Republic longer than the designated time unless delayed by injury or by the condition of the sea, and must depart as soon as that cause has ceased to be operative.

ART. 8. Vessels of war will not be permitted to take on more supplies and provisions than they would ordinarily demand in time of peace. With regard to the amount of fuel, they will be permitted to complete their usual supply of coal, unless conditions force a reduction of the allowance.

ART. 9. Belligerent vessels will employ licensed pilots when it is necessary for them to enter or depart from a port or to navigate the territorial or jurisdictional waters.

¹ Martens, N. R. G., II, 18:435.

ART. 10. Belligerent vessels of war will be obliged to observe all the sanitary, port, customs, and police regulations.

ART. 11. Prizes of war, convoyed or not, will be permitted access to the ports and roadsteads when they are brought in to remain in sequestration awaiting decision by the prize court. In other cases the rules applicable to belligerent vessels of war will govern.

ART. 12. Merchant vessels which are already within or enter the harbors, roadsteads, or territorial or jurisdictional waters during the state of war, and which belong to one of the belligerent nations, will be asked by the maritime authorities, immediately upon their entrance or after the rules concerning the state of war are in operation, as to the nature of the business which they propose to carry on in the ports and waters of the Republic. If they declare themselves to be a part of the reserve of the navy of their respective nations, and that they wish to enjoy the prerogatives of vessels of war, the rules hitherto set forth in articles 3, 4, 5, 6, 7, 8, 9, and 10 will be applicable to them. If they declare that they are engaged solely in legal commercial operations, they will be required to limit themselves to these, and investigation will be made to see whether they have contraband on board or carry articles which may be used to transform them in the port or on the high seas into privateers or vessels capable of military use. If the existence of such articles be proved, their disembarkation will be required (to remain in deposit until the condition of war has ceased), and in case of refusal the rules relating to vessels of war will be applied and departure will be required at the end of 24 hours.

ART. 13. All ships will be prohibited from using their radio apparatus while they are in the ports or waters of the Republic.

ART. 14. The following articles are declared to be contraband of war according to the intent of the provisions of the first paragraph of article 141 of the Penal Code: All classes of arms, military apparatus, cannon, howitzers, machine guns, revolvers, bombs, torpedoes and other firearms, explosives, or inflammables; side arms; powder and fulminating substances; military engineering implements; helmets, cuirasses, harnesses, saddles and bridles; uniforms; vessels of war and their parts (turrets, armor plate, rams, etc.); all instruments and objects especially manufactured for military purposes for use on land or sea; naval munitions; wood for the construction of vessels and materials destined for the construction or the repair of vessels; and substances and machines for the manufacture of munitions of war (nitrates and phosphates for fertilizing purposes are excepted according to the Declaration of London of 1909).

ART. 15. The maritime authorities will see that the merchant vessels load no contraband of war nor articles capable of being used to convert vessels into privateers or of vessels adaptable to military purposes; nor shall troops or crews be recruited in the ports or waters of the Republic. To this end the papers of the

vessels will be carefully examined, and in case they are not regular as to the cargo or the proposed business of the vessel, its departure will be requested within 24 hours without further operations, unless it submit to the measures required by the authorities in order to guarantee the requirements of neutrality.

ART. 16. Infractions, aside from these measures of protection and sequestration of articles of contraband, will be submitted to judicial authority under the provisions and statutes of the Penal Code.

ART. 17. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

Decree forbidding the flying of the flag by vessels belonging to belligerent countries. August 18, 1914.

[Registro Nacional, 1914, p. 409.]

MINISTRY OF FOREIGN RELATIONS,

Montevideo, August 18, 1914.

In view of—

1. The communication of the consul general in Brazil in reference to the anxiety of a Brazilian concern which wishes to take the Uruguayan flag for a steamer which actually flies the flag of a belligerent power;

2. The declaration of the London Naval Conference of February 26, 1909, article 56, which says: "The transfer of an enemy vessel to a neutral flag, effected after the opening of hostilities, is void unless it is proved that such transfer was not made in order to evade the consequences which the enemy character of the vessel would involve."

3. The difficulty, in the case in question, of establishing any other object than that foreseen by the declaration cited, since it is not a question of a vessel acquired by a Uruguayan company or person and for the service of that concern and for the advantage of the country whose flag it wishes to take;

The President of the Republic resolves and decrees:

ARTICLE 1. In the circumstances in question, the permission to fly the flag as a Uruguayan vessel by a vessel which flies the flag of a belligerent country is not considered applicable.

ART. 2. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

Prohibition in national ports, in territorial waters, and in the interior of all radio communications with vessels of war or commerce. August 31, 1914.

[Registro Nacional, 1914, p. 435.]

MINISTRY OF FOREIGN RELATIONS,

MINISTRY OF WAR AND NAVY,

Montevideo, September 1, 1914.

In view of:

(1) The provisions of article 13 of the decree of August 7 of the present month, concerning the use of radio apparatus by vessels which are in the ports or waters of the Republic, and (2) articles 8 of the international telegraphic convention of St. Petersburg, 17¹ of the radio conventions of Berlin and London,² and 5 and 25 of convention xiii of The Hague, 1917;

The President of the Republic decrees:

ARTICLE 1. All radio communication from one ship to another, either of war or of commerce, is forbidden in ports, jurisdictional and territorial waters.

ART. 2. Radio communication coming from ships or addressed to them ought to be clearly written and in the Spanish, French, English, German, Italian, or Portuguese languages. Abbreviations and conventional addresses and signatures are also forbidden in telegrams. Telegrams proceeding from Governments or legations can pass in a cipher or conventional language on condition that they carry clear proof of their origin.

ART. 3. Radio stations will advise every war or merchant vessel which enters the territorial or jurisdictional waters that it is forbidden to make use of its apparatus except in case of danger, and in that case to direct its messages only to the coast stations.

ART. 4. The stations which have noticed any communication between vessels which are in the territorial or jurisdictional waters will give the notice provided by article 3 and will immediately bring the matter to the attention of the maritime authorities by transmitting the text of any communication which they may have received.

ART. 5. Without prejudice to the penalties applicable for disobedience to the orders of the authorities, all vessels which, in the ports or waters of the Republic, shall violate the provisions of the present decree will be obliged to dismantle their telegraphic apparatus, and whenever this measure can not be applied they will be forbidden access to the ports. (Art. 9 of Hague convention xiii, 1907.)

ART. 6. The general inspection of radiotelegraphy is charged with the execution of the provisions of the present decree.

ART. 7. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

¹ Martens, N. R. G., II, 3: 614.

² Charles, Treaties, pp. 151, 185.

Addition to the decree of August 7, 1914, determining the duties of countries as neutral powers in that which concerns merchant vessels armed for defense. September 8, 1914.

[Registro Nacional, 1914, p. 442.]

MINISTRY OF FOREIGN RELATIONS.
MINISTRY OF WAR AND NAVY.

In view of

1. The doubts which have arisen for the maritime authorities as to the meaning of the rules contained in articles 12 and 15 of the decree of August 7, 1914, concerning ships which, while declaring that they are engaged only in commercial operations, carry on board arms which might serve for hostile ends;

2. Article 8 of convention xiii of The Hague, which imposes the obligation upon neutral Governments to use all means at their disposal to prevent in their jurisdiction the arming of vessels for privateering or participating in any hostile operations against a power with which they are at peace and for preventing the departure of a vessel under those conditions;

3. That it can and ought to be considered as compatible with the carrying out of legitimate commercial operations, that the vessels be armed for defense, if at the same time these vessels by other conditions of their equipment and their navigation, present sufficient guaranty of their true character.

The President of the Republic decrees:

ARTICLE 1. Vessels which arrive at the ports of the Republic carrying cargoes and passengers as in the normal course of navigation will be regarded as devoted to commerce even if they have arms on board. Each vessel will be required to make an express declaration in writing:

- (1) That it is engaged in commerce;
- (2) That it will not be transformed into a privateer;
- (3) That the arms which it has on board will be used only to defend the vessel in case of attack.

ART. 2. If the authorities have doubts as to the destination of the arms or munitions which the vessel carries, as to their quantity, disposition, etc., they will proceed conformably to the provisions of the decree of August 7.

ART. 3. A merchant vessel which does not carry passengers or cargo will be considered as having that character even if it carries arms, if the legation of the country to which it belongs makes a declaration in writing to the ministry of foreign relations equivalent to that suggested in article 1.

ART. 4. The falsity of the declarations referred to in article 1 will give occasion for the application of the provisions of article 9 of convention xiii of The Hague and of that which results from it when the vessel is under the jurisdiction of the Republic.

ART. 5. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

Addition to the decree of August 31, 1914, which prohibits in national ports, territorial waters, and in the interior all radio communication with war or merchant vessels. September 29, 1914.

[Registro Nacional, 1914, p. 485.]

MINISTRY OF WAR AND NAVY,
Montevideo, September 29, 1914.

Considering that it is necessary to amend the decree of August 31, last, relative to radio communication in the ports and territorial and jurisdictional waters:

The President of the Republic decrees:

ARTICLE 1. Vessels which for any reason sojourn in the ports or roadsteads more than 72 hours should have their radio apparatus dismantled in such a manner that they can neither send nor receive communications.

ART. 2. The general inspection of radiotelegraphy, in cooperation with the maritime authorities, will take the measures necessary for the execution of the present decree.

ART. 3. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

Regulation on the installation and use of radiotelegraphy on land and on vessels, national or foreign, in the ports or waters of the nation. October 20, 1914.

[Registro Nacional, 1914, p. 507.]

MINISTRY OF FOREIGN RELATIONS,
MINISTRY OF INDUSTRY,
MINISTRY OF WAR AND NAVY,
Montevideo, October 20, 1914.

In view of

1. The provisions of articles 1, 6, 8, and 21 of the convention of July 5, 1912,¹ on radiotelegraphy, and article 9 of the additional regulations referring to the obligations concerning the international rules applicable to all stations; to communication between the authorities of stations established in each country; to the means of preventing interference with the service of each of the stations by the others; and to the necessity of an authorization for the operation of the stations, etc.

2. Article 3 of convention v and article 25 of convention xiii of The Hague, 1907, and

3. The decrees of August 31 and September 29, 1914, on the limitation of the use of radio apparatus;

The President of the Republic decrees:

ARTICLE 1. No person or company can establish radio stations nor install nor operate radio apparatus on land or on national vessels without a permit from the Executive power.

¹ Chartes, Treaties, pp. 185.

ART. 2. No use can be made of apparatus installed on vessels lying in the ports or territorial or jurisdictional waters of the Republic except in accord with the orders of the national authority.

ART. 3. In making a request for authorization to install or operate radio stations or apparatus, a declaration must be made of (a) the class of apparatus, with specification of the power and source of energy; (b) the use to which it is to be put; (c) the place or vessel where it will be installed; (d) the name of the person or company, proprietor of the place or vessel and its nationality, the whole accompanied by documentary evidence; (e) a sketch of the interior and exterior of the installation, with description of measurements.

ART. 4. The Executive power reserves to itself the right to or not to authorize the operation of the station or apparatus, as well as that of demanding any information or supplementary document in order to determine in each case the possibility of the authorization.

ART. 5. Under the name of radiotelegraph is included all classes of apparatus of the Marconi, Telefunken, Rochefort, and other systems for the transmission of communications without metal wires or cables, telegraphic apparatus employed for the same use, and all equivalent mechanisms or means, such as optical apparatus, lights, flags, etc.

ART. 6. The requests for all matters relative to this decree will be presented to the ministry of war and navy.

ART. 7. All persons or companies who have radio stations or apparatus on land, or on national or foreign vessels at anchor to remain more than three days in the ports or waters of the Republic, ought to communicate before 10 hours with the ministry of war and navy, conformably to the provisions of article 3.

ART. 8. After the delay provided in article 7, all stations and installations made in contravention of the provisions in force will be dismantled and rendered unusable.

ART. 9. The maritime authorities, the national telegraph, and the electrical works of Montevideo will give to the national inspection of radiotelegraphy the cooperation necessary to prove the existence of radio stations or installations, and for an exact application of the provisions of the present decree. The same cooperation will be solicited of private telegraph and telephone companies.

ART. 10. Infraction of the provisions of the present decree will be punished by the penalties provided in section ix of book ii, title iii, of the penal code without prejudice to the right of dismantling all apparatus and installations or the measures indicated by the decrees of August 31 and September 29, 1914.

ART. 11. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JOSÉ RAMASSO.

JUAN BERNASSA Y JEREZ.

Determination of the products and articles which the Republic does not consider contraband of war and the risk of which will be at the account of those interested. October 20, 1914.

[Registro Nacional, 1914, p. 509.]

MINISTRY OF FOREIGN RELATIONS,
MINISTRY OF INDUSTRY,
Montevideo, October 20, 1914.

In view of

1. Article 18 of Convention v of The Hague, 1907, which refers to the supplying of belligerents;

2. Articles 22, 23, 24, 28, 29 (chapter ii) of the Declaration of London of 1909 on the classification of contraband of war and the exceptions; and the provisions of the same chapter ii and of chapter iii on the confiscation of goods and ships and unneutral service;

3. Article 14 of the decree of August 7, 1914, which contains the declaration of contraband of war; and article 141, paragraph 1, of the penal code;

4. That it is possible to authorize commerce with the belligerents in articles which the legislature of the Republic does not consider contraband of war even if they are among those which the Declaration of London considers absolute or conditional contraband;

5. That the commerce to which the preceding sentence refers ought to be carried on in all cases at the account of and at the risk of the merchants, contractors, and purchasers, thus excluding all responsibility of the State in case of confiscation.

The President of the Republic decrees:

ARTICLE 1. The sale is declared legal of supplies of forage and grain suitable for the feeding of animals, of garments, textiles, and footwear, of tanned hides, of horses and mules, of herds of cattle, sheep, and hogs on foot, even if they have been purchased for the armies at war.

ART. 2. According to articles 28 and 29 of the Declaration of London, the following articles are not considered contraband of war: Wool and raw material of the textile industry as well as yarns, oil seeds, rawhides, and horns; manures for agricultural purposes; minerals, earths, clays, lime, chalk, stone, marble, bricks, tiles; soaps, paints, colors, and materials used in their manufacture, and varnishes; paper and material prepared for its manufacture; feathers of all kinds, hairs, and bristles; articles of household furniture and decorations; office furniture and accessories; articles and materials serving exclusively for the care of the sick and wounded (subject, however, to the right of requisition on payment of value in case they are destined to the territory of an enemy or territory occupied by him or by his forces); articles and materials intended for the use of the vessel in which

they are found as well as those for the use of her crew and passengers during the voyage.

ART. 3. The charterer should take account of the risk according to the provisions of chapters ii and iii of the Declaration of London, and especially of the fact that the neutral vessel is considered subject to confiscation when it is loaded in whole by a belligerent Government.

ART. 4. In case of confiscation of cargoes or vessels coming from the Republic, as in other risks and conflicts which may be presented to the shippers and consignors, they will be considered according to the rules of the relevant legislation in force before the departure of the vessel from the Uruguayan port, and in this case, when once the voyage has begun, residence excludes all intervention of a diplomatic character by Uruguay.

ART. 5. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JOSÉ RAMASSO.

New maritime rules to be observed in reference to belligerent vessels of war. December 14, 1914.¹

[Registro Nacional, 1914; 582.]

MINISTRY OF FOREIGN RELATIONS,

MINISTRY OF WAR AND NAVY,

Montevideo, December 14, 1914.

In view of

1. Articles 12 and 15 of the decree of August 7, 1914, and the decree of September 8, 1914, which refer to merchant vessels and to the conditions and formalities for recognizing this character, to the effects of sojourn in the ports of the Republic to take on supplies, etc.;

2. The opportunity of completing and defining the rules which serve to determine with entire impartiality the character of vessels and the observance of the principles and the rules of neutrality;

3. The authoritative precedents in the rules issued by the United States of America and other American countries;

4. The situation of the ports of the Republic in reference to the great lines of navigation, their situation as furnishers on a great scale of coal and general supplies for the marine, the distances to the ports of neighboring countries frequently entered, and other peculiar circumstances;

The President of the Republic decrees:

ARTICLE 1. With the object of preventing the ports of the Republic from being used as bases of operations for belligerent warships the following rules will be observed:

¹ Similar to United States regulation, September 19, 1914. See p. 91.

(a) It is presumed that a base of operations may exist whenever fuel and supplies for vessels are laden in a port more than once in a period of three months since the commencement of the war or during it, either directly or by the intermediary of auxiliary vessels attached to the belligerent fleet or by the means of merchant vessels of belligerent or neutral nationality which act as auxiliaries.

(b) The simple rumor that a vessel laden with fuel or naval supplies with the intention of delivering its cargo to a belligerent warship on the high seas, when it does not rest on direct or indirect evidence, does not impose on the neutral authorities the duty of detaining the merchant vessel with the object of making an inquiry, unless it is known that this vessel has previously transported provisions for a belligerent warship.

(c) When there is indirect evidence which confirms the rumor or the suspicion that the merchant vessel has the intention of supplying a belligerent warship with fuel or other supplies on the high seas, the suspected vessel will be detained until its intention can be proved. This procedure ought to be followed especially when it is known or a strong suspicion exists that a belligerent warship is at sea just outside of the port where the merchant vessel takes a cargo which might be used for naval supplies; when the merchant vessel is of the nationality of the belligerent to which the warship belongs, the presence of which on the coast is well known; when a merchant vessel which, in its preceding voyage between a Uruguayan port and a neutral port, has reached its port of destination without having on board the cargo of naval supplies taken in the port of departure and desires to take a similar cargo; when agents of a belligerent Government purchase the fuel or other provisions and they are loaded on a merchant vessel which does not clear for a port of a belligerent country but for a neighboring neutral port; and when agents of a belligerent Government take passage on board a merchant vessel which carries a cargo of fuel or other provisions and which is cleared for a neighboring neutral port.

(d) When a merchant vessel laden with fuel or other naval supplies wishes to depart under circumstances giving grounds for strong suspicion that it intends to carry the fuel or supplies to a belligerent warship, it will not be detained for that fact alone if the case is isolated and if neither the merchant vessel nor the warship to which the supplies are supposed to be destined have previously loaded similar supplies since the beginning of the war or within the period of three months.

(e) For judging whether a belligerent wishes to convert neutral territory into a base of naval operations, it is necessary to take account as an essential idea of the repeated departure from the territory of an auxiliary vessel of a belligerent fleet, or of a merchant vessel in the service of a belligerent, laden with fuel or other naval supplies.

(f) It is not necessary to detain or forbid the loading of a merchant vessel which, having previously taken a cargo of naval supplies in a port of the Republic or a neutral port, has carried them to its destination even when it is a question of an identical cargo and, indeed, when the neutral port of destination might serve as a base of belligerent operations.

(g) The duty of forbidding an act contrary to neutrality is incumbent exclusively on the neutral country whose territory is used as a base; and even if the supplies are transported directly to a naval base established on the territory of a belligerent or on territory under belligerent authority, the Uruguayan authorities are not obliged by any duty of neutrality to limit their cargoes or to detain the vessels or to forbid the trade in any other manner.

ART. 2. Merchant vessels flying the flag of a belligerent country, which are in the ports of the Republic from being compelled to interrupt their voyage because of the state of war, or which arrive at these ports in order to adjust themselves to the state of war, can not depart even if there exists no ground for suspecting that they have the intention of violating neutrality (as prescribed by art. 1) without a declaration of the consular representative of the country in question indicating the ports of call and the port of destination and certifying that the voyage has a purely commercial object.

ART. 3. Whenever a merchant vessel has left or leaves a port of the Republic and it is proved that it has not followed the itinerary declared by the consul, it can not carry on operations in any port and it can enter only to remain at the place the authorities assign to it until the end of the war, without prejudice to measures relating to the false declaration of the consul or to the fault of the owner or the captain.

ART. 4. To prevent the clandestine departure of merchant vessels in port the authorities will observe the following provisions:

(a) Not to permit vessels to begin loading supplies before making the declarations and guaranties provided in article 2.

(b) To require them to discharge all fuel and provisions which are not strictly necessary for the requirements of their sojourn in port.

(c) To assign them an anchorage which permits the best surveillance.

(d) To take all other measures of precaution (such as preventing the operation of machinery) without prejudice to the security and the good conservation of the vessel.

ART. 5. The provisions of the present decree will apply to merchant vessels which are in the ports of the Republic at the date of the decree and to those which arrive up to the end of the war.

ART. 6. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

Regulations relative to the supply of coal which belligerent vessels of war can take in the ports of the Republic. December 15, 1914.

[Registro Nacional, 1914, p. 585.]

MINISTRY OF FOREIGN RELATIONS,

MINISTRY OF WAR AND NAVY.

Montevideo, December 15, 1914.

In view of

1. Articles 5 and 19 of convention xiii of The Hague, 1907;

2. The proposal of the Government of the Republic of Chile¹ relative to the adoption of certain rules proper to better guarantee neutrality, a proposal which merits the approval of this government and which it has taken into account in another decree of the present date;

The President of the Republic decrees:

ARTICLE 1. Belligerent vessels of war can supply themselves in the ports of the Republic with coal only to the extent necessary to gain the first coaling station of a state near to Uruguay.

ART. 2. The authorities will take into account in determining the maximum cargo of fuel the normal consumption of the vessel in reference to its speed and to the distance to the nearest port toward which it is bound.

ART. 3. Paragraph 2 of article 8 of the decree of August 7, 1914, is modified by the present decree.

ART. 4. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAR BRUM.

JUAN BERNASSA Y JEREZ.

Limitation of the time of sojourn of belligerent vessels of war in the ports, roadsteads, or waters of the national jurisdiction. December 15, 1914.

[Registro Nacional, 1914, p. 585.]

MINISTRY OF FOREIGN RELATIONS,

MINISTRY OF WAR AND NAVY.

Montevideo, December 15, 1914.

In view of

1. Article 12 of convention xiii of The Hague, 1907, concerning the time of sojourn of belligerent warships in neutral ports, roadsteads, or waters, and article 5 and others of the decree of August 7, 1914, which considers the time of sojourn;

2. The opportunity of putting the provisions in force in the Republic in harmony with those of other countries, in particular the American countries, which have limited to 24 hours the normal time of sojourn of these vessels;

¹ See decree of Chile, December 15, 1914, p. 22.

The President of the Republic decrees:

ARTICLE 1. The time of sojourn in the ports, roadsteads, and waters of the Republic of belligerent vessels of war is limited to 24 hours except in the cases and exceptions provided by convention xlii of The Hague and by articles 5, 7, and 12 of the decree of August 7 conforming to the provisions of that convention.

ART. 2. Let it be communicated, inserted, and published.

BATLLE Y ORDÓÑEZ.

BALTASAB BRUM.

JUAN BERNASSA Y JEREZ.

VENEZUELA.¹

Declaration of neutrality, August 8, 1914.

MINISTRY FOR FOREIGN RELATIONS,
SECTION OF EXTERNAL PUBLIC LAW,

No. 1,475.

Caracas, August 8, 1914.

CITIZEN MINISTER OF FINANCE:

As there exists at present a state of war between several nations of Europe with which Venezuela maintains relations of friendship, and the Government of the Republic being desirous to sustain its neutrality in this conflict, deems necessary to make known the rights which, in accordance with the principles and practices of international law and with the obligations of diplomatic treaties, the Republic is called to observe.

To this effect I have the honor to accompany with this note the instructions which in consequence with those principles, with the resolutions of the second peace conference of The Hague of 1907, and with the rules adopted by Venezuela in regard to the pirates of the belligerents, the collectors of customs of the Republic can follow in the cases which may occur, so as to make effective the neutrality which the national government is decidedly disposed to observe in the actual war.

In any case not foreseen in these instructions, the customs officials shall proceed immediately to communicate to this department, through the respective channel, the necessary information to elucidate the character of the case and to the effect of its decision by the national government.

According to the informations which have been obtained up to date confidentially the belligerent nations are: On the one side, Germany and Austria; and on the other, Russia, France, Great Britain, Servia, and Belgium.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

¹ Unless otherwise indicated, the Venezuelan documents are transcripts of the English translations in Estados Unidos de Venezuela, Boletín del Ministerio de Relaciones Exteriores 1914, p. 137 et seq. The Spanish text may also be found in El Libro Amarillo de los Estados Unidos de Venezuela, Ministro de Relaciones Exteriores, 1915, vol. 2, p. 21 et seq.

Instructions to the collectors of customs of the Republic relating to the neutrality of Venezuela in the present European war, August 8, 1914.

Permit that the warships of the belligerents make use of the pilots officially appointed.

Prevent that warships of the belligerents remain in the port or anchorage or in the waters of your jurisdiction for more than 24 hours, except in the cases foreseen in these instructions.

The permanency of a warship of a belligerent in a neutral port can only be prolonged more than the duration aforesaid in case of damage or on account of the state of the sea.

It must be forced to depart from the time the cause of the delay has ceased.

The rules on the duration of the permanency in the port, harbor, or neutral waters do not apply to ships of war exclusively destined to religious, scientific, or philanthropic missions.

Not to permit that there be anchored in the port, harbor, or territorial waters more than three ships of war of a belligerent.

When ships of war of the belligerent parties are found simultaneously in the port or harbor, at least 24 hours must elapse within the departure of the ship of a belligerent and the departure of the ship of the other.

The order of the departures must be determined by that of the arrivals, unless the ship that first arrived be in the case that the prolongation be admitted beyond the legal duration of the permanency.

A ship of war of a belligerent shall not leave the port or harbor but 24 hours after the departure of a ship of commerce carrying the flag of its opponent.

Not to permit that the ships of war of belligerents be able to repair their damages in the port or harbor but in the strict measure for the security of their navigation, nor to augment in any manner whatsoever their military force. Inform the Executive immediately of the repairs to be effected.

Not to permit that the ships of war of belligerents be able to use the port, harbor, or territorial waters to increase or augment their military provisions or munitions, as also to complete their crew. Inform the Executive immediately of such pretension.

Not to permit that the ships of war of belligerents be able to provide themselves with provisions, but to complete their normal provisions as in time of peace.

Shall neither permit that such ships take coal but for the arrival to the nearest port of a neutral country.

If the ship can not take coal but 24 hours after its arrival it shall be permitted the permanency of 24 hours beyond the legal duration.

Not to permit that ships of war of the belligerents be able to renew their provisions of coal but after three months from the time at which it took coal in that same port or in any other of the Republic.

Not to permit that any spoils be taken to the port but on account of innavigability, of the state of the sea, of want of combustibles, or of provisions. Must inform the Executive immediately to that effect, together with all the necessary information.

Advise the Executive immediately if a ship of war of a belligerent refuses to leave the port where it has no right to remain.

In reference to foreign privateers:

The arming, equipping, and recruiting of crews for privateers will not be permitted in the ports of the Republic.

Privateers and vessels of war, with the prizes which they have made, will not be permitted to enter the ports.

Asylum will not be given to privateers, except when in case of damages or lack of provisions they are obliged to take refuge in the ports of the Republic.

But in the first case, sojourn can not be permitted for more than the time strictly necessary for the repair of the damage; in the second case they should not remain in port more than 24 hours, nor purchase a greater quantity of provisions than is necessary to reach the nearest port of another neutral country.

In any case, the sale or exchange of the prizes either in whole or in part will not be permitted in the ports of Venezuela under any pretext.

If vessels of war, without prizes, or privateers in the circumstances described, enter any port of the Republic, they can not put to sea until all other vessels which have previously weighed anchor shall have disappeared from the horizon.

Instructions relating to neutrality enforcement, August 9, 1914.

MINISTRY OF FINANCE,
DIRECTOR OF ADMINISTRATION,

Caracas, August 9, 1914.

No. 1032.

CITIZEN MINISTER OF FOREIGN RELATIONS:

In reply to your attentive note of to-day, No. 1475, D. P. E., together with which you please accompany the memorandum containing the instructions for the collectors of customs relating to the neutrality of Venezuela in the present European war, I have the honor to inform you that this department has with this same date addressed said collectors, in order that, when the case arises, they may comply with the referred-to instructions.

Dios y Federacion.

ROMÁN CÁRDENAS.

122 *Instructions as to Enlistment, Venezuela.*

Instructions relating to the enlistment of individuals and the setting on foot of military expeditions, August 12, 1914.

MINISTRY FOR FOREIGN RELATIONS,
SECTION OF EXTERNAL PUBLIC LAW,
Caracas, August 12, 1914.

No. 1512.

CITIZEN MINISTER OF THE INTERIOR:

I have the honor to address you, in accordance with the information sent to the ministry under your worthy charge with reference to the actual European conflict, to call your attention as to the obligations under which the authorities are to prevent in the national territory the enlistment or uprisings of individuals for forming corps to take part in favor of any of the belligerent countries, as well as also to prevent that the offers made by citizens of the Republic be carried to effect to lend services in the war to any of such belligerents through their respective legations in Venezuela.

These obligations derive from the principles that can be applied to countries that are neutral in regard to the complete impartiality in their relations with the belligerents and with the forbearance of all acts having the character of favor or succor to one with prejudice to the other.

As it is disposed that the National Government shall sustain its neutrality in said conflict, I pray you to take note of what I have stated for the dispositions you deem convenient enact on the matter.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

Instructions relating to the enlistment of individuals and the setting on foot of military expeditions, August 19, 1914.

MINISTRY OF THE INTERIOR,
POLITICAL SECTION,
Caracas, August 19, 1914.

No. 93.

CITIZEN MINISTER OF FOREIGN RELATIONS:

In reply to the communication of that department, dated 12th instant, and marked with No. 1512, D. P. E., with reference to the obligation under which the authorities are to prevent the enlistment or uprisings of individuals in the national territory for the formation of corps to take part in favor or against any of the belligerent countries on account of the actual European conflict, as well as to prevent that the offers made by citizens of the Republic to lend services in the war, I have the honor to inform you that this department has already addressed the respective authorities to the ends expressed in your mentioned communication.

Dios y Federacion.

C. ZUMETA.

Instructions to diplomatic officers relating to neutrality, August 22, 1914.

MINISTRY FOR FOREIGN RELATIONS,
SECTION OF EXTERNAL LAW,

No. 1576.

Caracas, August 22, 1914.

SIR: It has been decided by the Government of Venezuela that it shall sustain the strictest neutrality in the European war, so you shall please notify all Venezuelan citizens residing in that jurisdiction, by direct communication or through the consuls of your dependence, of the duties they must observe by reason of the neutrality, cautioning them that, in the case of infringing them, they shall not be able to embrace the advantages of the Venezuelan neutrality nor the aid of our diplomatic and consular agents.

I am, very truly, yours,

MANUEL DIAZ RODRIGUEZ.

Instructions relating to radiotelegraphy, August 24, 1914.

MINISTRY FOR FOREIGN RELATIONS,
SECTION OF EXTERNAL PUBLIC LAW,

No. 1585.

Caracas, August 24, 1914.

CITIZEN MINISTER OF FINANCE:

The envoy extraordinary and minister plenipotentiary of Great Britain, in the name of his Government, has called attention of this chancery as to the possibility that the use of wireless telegraphy by merchant vessels of nations in war, in the territorial waters of a neutral country, may lead to violation of the neutrality, and has expressed the desire that the Government of Venezuela give immediate instructions to dismantle all the wireless telegraphy apparatus installed on such ships in our territorial waters.¹

This chancery has replied to Mr. Minister that the rules of conduct which he alleges in support of his petition have not as yet obtained the unanimous consent of the powers, nor have they been embodied in the conventions actually in force. Notwithstanding the reason stated, the Federal Executive, prompted by the purport that the territory of Venezuela may not serve as a base for communications which favor the acts of war of any belligerent, has decided to prohibit the use of wireless telegraphy on board merchant vessels of the nations in war while lying in the ports of the Republic.

And I have the honor to communicate it to you, so that you may please add to the instructions given as a guide to the collec-

¹ In a note of Mr. Harford, British minister to Venezuela, September 18, 1914 (Rev. Gen., Doc. 22: 205), it is stated that all important maritime nations, including the United States, Brazil, Chile, Peru, Uruguay, Sweden and Norway, have taken measures to dismantle radio apparatus in belligerent merchant vessels in port. After some correspondence, Venezuela followed this practice, as the instructions show.

tors of customs, contained in note No. 1475, D. P. E., of this ministry, that of exercising, by means of the respective employees, the greatest vigilance in order that the referred-to regulation be not infringed.

- Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

Instructions relating to radiotelegraphy, August 24, 1914.

MINISTRY FOR FOREIGN RELATIONS,
SECTION OF EXTERNAL PUBLIC LAW,

No. 1586.

Caracas, August 24, 1914.

CITIZEN MINISTER OF WAR AND MARINE:

In addition to the previous notes of this department relating to the neutrality of the Republic in the present European conflict I have the honor to remit to you a copy of the note which, on this same date, I have addressed to the citizen minister of finance as to the prohibition of using wireless telegraphy apparatus on board merchant vessels of the nations in war while lying in Venezuelan ports.

Dios y Federacion.

MANUEL DIAZ RODRIGUEZ.

Instructions relating to radiotelegraphy, August 26, 1914.

MINISTRY OF WAR AND MARINE,
DIRECTION OF MARINE,

No. 462.

Caracas, August 26, 1914.

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to advise the receipt of your note, dated 24th instant, No. 1586, inclosing copy of note which on that same date you addressed to the citizen minister of finance, relating to the neutrality of the Republic in the present European conflict, as to the prohibition of the use of wireless telegraphy apparatus on board merchant vessels of the nations in war, while lying in Venezuelan ports, of which this department has taken due note for the effects thereof.

Dios y Federacion.

M. V. CASTRO ZAVALA.

Instructions relating to radiotelegraphy. August 26, 1914.

MINISTRY OF THE INTERIOR,
POLITICAL DIRECTION,
Caracas, August 26, 1914.

No. 104.

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to advise the receipt of your official communication of 4th instant marked with No. 1586, inclosed with which you remit copy of the note which on that same date the department under your worthy charge has addressed to the minister of

finance, as to the prohibition of using wireless telegraphy apparatus on board merchant vessels of the nations in war while lying in Venezuelan ports.

Dios y Federacion.

C. ZUMETA.

Instructions relating to radiotelegraphy, August 26, 1914.

MINISTRY OF FINANCE,
GENERAL DIRECTION OF ADMINISTRATION,

No. 1084.

Caracas, August 26, 1914.

CITIZEN MINISTER OF FOREIGN RELATIONS:

I have the honor to refer to your attentive note No. 1585, D. P. E., dated 24th instant, relating to the instructions which this department is to communicate to the collectors of customs with the object that the latter may make observed the neutrality of Venezuela in the actual European conflict, by not permitting the use of wireless telegraphy on board merchant vessels of the nations in war, while lying in the ports of the Republic, and it pleases me to inform you that the above-mentioned instructions have already been transmitted to the collectors of customs for the effects of their strict observance.

Dios y Federacion.

ROMÁN CÁRDENAS.

Memorandum of the Minister of Foreign Affairs of the United States of Venezuela on the rights of neutral countries. October, 1914.

[El Libro Amarillo de los Estados Unidos de Venezuela, Ministro de Relaciones Exteriores, 1915, vol. 2, p. 45.]

In time of war the duties of neutrality must be constantly invoked. Neutral countries themselves, in order to justify any measure protested against or objected to by one of the belligerents, rely upon the duties which their status of neutral countries imposes upon them. But at basis there are not only duties to fulfill; there are also rights which they can demand. As with all juridical situations, neutrality gives rise to correlative rights and duties. The modern international publicists, among them notably Richard Kleen, have expounded the doctrine on this point with a clarity which permits of foreseeing and defining the most distant consequences. In the light of pure theory it seems, then, that the rights of neutral countries, being as sacred as those of belligerents, ought to be preserved in all their integrity. It is customarily admitted that neutral countries, although obliged by the fact of the international community not to restrain the liberty of the belligerent nations in their military operations, ought to suffer no diminution of their rights, only *certain temporary modifications in the exercise of their rights*. This concept, by its elasticity, does

not seem adapted to a criterion of strict justice. No more does it seem applicable to numerous cases in which neutral countries suffer not only a temporary modification in the exercise of their rights but, indeed, an evident violation, more or less grave, of the rights themselves. Consequently, two tendencies before the war struggled for preponderance in the practice of nations; on the one hand, the contention that the rights of war should be favored, that the interest of the belligerent has the advantage; on the other, the hope to ameliorate and to extend the rights of neutral countries without neglecting the legitimate rights of war, a hope which has been strengthened as international law has progressed and the aim of which is to arrive at a reasonable equilibrium of interests rather more in accord with justice. The reality of these two tendencies, as the justice of the balance requires, is proved by the history of any one of the great nations, which have represented alternately the two aspirations, according to the interest of the moment, that is to say, whether they were belligerent or neutral.

An impartial examination of the question in time of peace, when no circumstantial interest troubles the serenity of judgment, leads us to this conclusion, that in the conflict of the rights of the belligerent nations and of those of the neutral country, although both are equally worthy of respect, nevertheless, those of the second have in their favor, as a claim to preference, some reasons which surpass those of the belligerent nation. By unanimous conviction peace is the regular and logical state of the international society. War is a disturbance often necessary, sometimes inevitable, but always a scourge, which the belligerent nations are the first to suffer and to deplore, and for which they attempt to disclaim responsibility. When the state of war arises the belligerent nations, although they may be influenced by necessities and circumstances for which they can not be responsible, present and maintain, nevertheless, an alteration in the normal state of international affairs. The neutral countries, on the contrary, continue the regular and harmonious life of peace, and this circumstance ought not rashly to diminish their rights nor render them inferior or of less consideration. Against a reason so clear the belligerent nation can argue that it is defending the most sacred right, that of its own existence and liberty. However high it is, and it is a fundamental right, it is nevertheless certain that it is limited by the doctrine and the practice of nations. The prohibition against using certain cruel and excessive means of hostility against the enemy is a manifest restriction of this right of self-preservation. It therefore follows that theory and practice will not look unfavorably upon new limitations of the right of belligerents in order to guarantee the right of neutral countries. The circumstances in which modern war manifests itself do not cease to demand, in a more and more urgent manner, such limitations. Without doubt, one can speak of temporary modifications in the exercise of the rights of neutral countries, as during

the wars of antiquity, when international life was scarcely ushered in and was of very little strength, and this case may well be that of neutral countries to-day, when war is localized in a well-defined region or is limited and circumscribed in a precise manner to two nations only, excepting the cases, I may say, where these by their position or by their importance would be comprised among those who are inevitably involved in the universal activity. But this expression ought under no circumstances to be accepted when it is a question of conflicts such as that which fills our days and holds the entire world in suspense, and in which several nations, among the richest and most civilized, are engaged, and that in an era of close international life, in which internationalization of all interests becomes each day more intimate, more complex, more inextricable, to such a point that the losses inflicted on a single nation react to a sensible extent immediately and surely even upon the most distant countries.

No proof can be more evident than that of the general lack of balance which at the very beginning of the present conflict surprised and disturbed the very bases of internationalism, which are *par excellence* commercial relations, economic activity, credit operations, the circulation of gold and everything which involves world wealth. The simple fact of the declaration of war, produced, not only an inevitable economic disadvantage for the belligerent nations and their subjects, but a similar disadvantage for neutral nations and their inhabitants, and not alone from the point of view of their interests, connected with the territory and population of belligerent nations, but also in reference to their most vital interest and in their own territory.

For this reason, the action of the belligerent, whether it declares or accepts war, is felt directly on the territory of neutral countries as well as on its own.

At the same time, it is true that care has been taken in time of peace to modify the law of war, with a view to the interests which may be injured. But the very fact of military methods evolved with such rapidity, that the development of the law which relates to them follows very slowly, and with an inevitable delay, makes these the more audacious attempts. The theory of neutral commerce in time of war offers a striking example of this and one of the highest importance. Theory approves, as being legal, the right of neutral countries to carry on commerce with the belligerent nations with one exception at first view just and necessary—contraband of war. Such is the law. The actual fact is otherwise and tends to invalidate the right. The means of making war are multiplied to such a point that military art levies contributions from the most diverse industries. At the hour of conflict, the entire industrial organism of a state may cooperate to the single end of the common defense. War utilizes the most varied products, the most unlike raw materials. This is why, by the simple fact of the development of the mechanism of war, the list of articles which are or can be considered contra-

band of war, tends to increase and to undergo an unlimited extension. The times are already far distant when common powder and the materials of which it is composed, lead and some other metals were the only materials which were regarded as suspicious. To-day one is astonished at the number of articles which in earlier wars it was never suspected could ultimately be included in contraband of war. Unfortunately, in proportion as the list increased, the number of materials of very wide applicability also increased. This explains why the prohibition affects, not only the war industries, but also, and very gravely, pacific industries. The right of neutral countries freely to carry on commerce with the belligerent nations is in danger of complete destruction. Such facts, the result of the more and more intimate internationalization of interests, which has gradually given rise to concepts as rigid as that of sovereignty, lead to the belief that, although sovereignty and integrity of neutral countries continues in a perfect state in reference to persons, yet this can not be said for that which concerns their interests, even the most vital and the most profound.

It follows that although neutrality has never signified an attitude of indifference, to-day less than ever, can it have this signification. The universal economic losses, probably resulting from the actual war of Europe, if the duration is to be, as there is reason to fear, indefinite, can not be a matter of indifference to neutral nations. The losses will be the same for all, although it may seem for the moment that some countries can separate themselves from the war.

At the same time, as the war at present assumes immense proportions and affects several of the greatest civilized nations of the world, as well as the most considerable economic interests, the precious fruits of civilization, which are not the exclusive patrimony of such and such a people but the common wealth of all, are endangered. The conclusion is then inevitable, that over against the right exercised by belligerents, there is the right of neutral countries to cooperate and to organize, by substituting for their former passivity and in virtue of the new solidarity with which their violated interests temporarily unite them, action for their security, effective, and beneficent.

The application of this right does not lack precedents. History records several cases of leagues of neutral countries for the defense of the freedom of commerce and navigation as, for example, that of Sweden and Denmark in 1693 and that even more important, which owed its origin to the manifesto of Catherine of Russia in 1780. Though the principle in the first place, should appear not debatable, its bearing and its method of operation involve a very long discussion. The project would require a congress of neutral countries which would revise, as the present situation necessitates, the rights and duties of neutrality, in order to make clear the innovations introduced by modern war. The fact that the right of the belligerent is above that of the

neutral country, being already regarded as unacceptable because contrary to equity and justice, the congress could present a new duty, that of the union of all neutral countries in face of conflicts of the magnitude of the present from which injuries so direct and so grave are suffered, in order to organize for the protection of their own interests, a duty of which the logical consequence would be a new law, that of mediation, which would then be exercised with all the restrictions and limitations of circumstance and time which would make it compatible with the respect due to the rights of belligerents. Mediation, thus strengthened, would have effects considerably more effective than the mediation usually tried in international practice. Although the latter has a certain character of officiousness and can not make way without the consent of one of the belligerents, mediation by a league of neutral countries, without losing that character, offers something of more weight by representing, along with the good offices of impartial states, the voice of those who on their part labor for the safeguarding and defense of their injured interests.

The conclusions that the congress would dictate would next be submitted to an assembly of all nations and unanimously recognized, as they can not fail to be, because of their justice and convenience. Since the belligerent nation to-day will be the neutral country to-morrow, they will be incorporated into international law as an effective victory of civilization and pledge of future peace. One step further in this direction and one will arrive at the creation of a permanent entity which would represent upon the first rumors of a conflict, the league of neutral countries, and by making itself heard according to its right. It would be able in the majority of cases, to prevent the rupture or at least to limit the extension, the duration, and the range of hostilities.

In the presence of the existing conflict, which embraces the people of Europe and Asia, the initiation of a congress of neutral countries belongs to the nations of America. In the possession of a neutrality absolute and above suspicion, by their geographic position, by the ample bonds which unite them to all the belligerent nations, by their character of peaceful powers, by their traditional efforts for the success of international arbitration, and by the grave injuries being suffered because of this very war, both in their present situation and in their future progress, the American nations are called to the signal duty of mediation.

CARACAS, October, 1914.

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